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PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE

TUESDAY 13 DECEMBER 2022

1.30 PM

Council Chamber - Town Hall

AGENDA

Page No

1. **Apologies for Absence**

2. **Declarations of Interest**

At this point Members must declare whether they have a disclosable pecuniary interest, or other interest, in any of the items on the agenda, unless it is already entered in the register of members' interests or is a "pending notification" that has been disclosed to the Solicitor to the Council.

3. **Members' Declaration of intention to make representations as Ward Councillor**

4. **Minutes of the Meeting Held on 18 October and 15 November 2022** 5 - 26

To agree the minutes of the Planning and Environmental Protection Committee meetings held on:

18 October 2022; and
15 November 2022

5. **Development Control and Enforcement Matters**

5.1 **22/01370/R3FU - Regional Swimming Pool Car Park Bishops Road Eastgate Peterborough** 27 - 52

6. **Quarterly Appeals Report** 53 - 76



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Committee Members:

Councillors: Warren, Iqbal (Vice Chairman), Jones, B Rush, Hogg, Bond, M Jamil, Hussain, Sharp, C Harper (Chair) and P Hiller

Substitutes: Councillors: N Sandford and Bi

Further information about this meeting can be obtained from Karen Dunleavy on telephone 452233 or by email – karen.dunleavy@peterborough.gov.uk

CASE OFFICERS:

Planning and Development Team: Jim Newton, Sylvia Bland, James Croucher, Matt Thomson, Asif Ali, Molly Hood, Mike Osbourn, Karen Ip, Shaheeda Montgomery, Connor Liken, James Lloyd, Ellie O'Donnell, Keeley Tipton, James Croucher, Mike Osbourn, and James Melville-Claxton

Minerals and Waste: Alan Jones

Compliance: Lee Walsh, and Alex Wood-Davis

NOTES:

1. Any queries on completeness or accuracy of reports should be raised with the Case Officer, Head of Planning and/or Development Management Manager as soon as possible.

2. The purpose of location plans is to assist Members in identifying the location of the site. Location plans may not be up-to-date, and may not always show the proposed development.
3. These reports take into account the Council's equal opportunities policy but have no implications for that policy, except where expressly stated.
4. The background papers for planning applications are the application file plus any documents specifically referred to in the report itself.
5. These reports may be updated orally at the meeting if additional relevant information is received after their preparation.

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**MINUTES OF THE PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE
MEETING
HELD AT 1:30PM, ON
TUESDAY, 18 OCTOBER 2022
BOURGES/VIERSEN ROOM, TOWN HALL, PETERBOROUGH**

Committee Members Present: Harper (Chair), Bi, Jones, A Bond, Rush, Hiller, Hogg, Simons, Jamil, Sharp, and Warren.

Officers Present: Sylvia Bland, Development Management Group Lead
Daniel Kalley, Senior Democratic Services Officer
Edna Johnson, Planning Solicitor
Chris Gordon, Planning Solicitor
Sarah Hann, Principal Engineer
Shaheeda Montgomery, Development Management Officer
Phil Moore, Development Management Team Leader
James Croucher, Interim Principal Planning Officer

21. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Hussain and Councillor Iqbal. Councillor Simons and Councillor Bi were in attendance as substitutes.

22. DECLARATIONS OF INTEREST

Declarations of interest were declared for the following agenda item 5.1 - 22/00823/Ful - Land To The East Of Bramble Close, Newborough, Peterborough, from Councillors Hiller and Simons

- Councillor Hiller was a member of the North Level Internal Drainage Board, however he had not discussed the application and the interest was non-pecuniary he would not part in the decision: and
- Councillor Simons as a member of the North Level Internal Drainage Board, however he would stand down for the item as he was registered to speak on the item.

23. MEMBERS' DECLARATION OF INTENTION TO MAKE REPRESENTATIONS AS WARD COUNCILLOR

Councillor Simons declared that as a ward Councillor agenda for item 5.1 22/00823/Ful - Land To The East Of Bramble Close, Newborough, Peterborough he would represent Newborough Ward and was registered to speak on the item.

24. MINUTES OF THE PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE MEETING HELD ON 23 AUGUST AND 6 SEPTEMBER 2022

The minutes of the meeting held on 23 August and 6 September 2022 were agreed as a true and accurate record.

At this point Councillor Simons stood down from the Committee.

25. PLANNING AND ENFORCEMENT MATTERS

25.1 22/00823/FUL - LAND TO THE EAST OF BRAMBLE CLOSE, NEWBOROUGH, PETERBOROUGH

The Committee received a report, which sought approval for the erection of 30 affordable homes with a new vehicular access onto Thorney Road and a pedestrian link to Hawthorn Close.

The application was a 100% affordable housing proposal, the applicant being a Registered Provider of affordable housing who had secured Government grant funding for the scheme.

The application had the full support of the Council's Housing Team. The 30 proposed dwellings would include:

- 17 for Social Rent properties
- 11 for Shared Ownership
- 2 would be offered on the Rent to Buy scheme

A mix of property sizes were proposed, which included detached, semi-detached, terraced and cluster homes which in combination would provide:

- 4 one-bedroom properties
- 14 two-bedroom properties
- 12 three-bedroom properties

All of the proposed new buildings would be two storeys in height, sharing a common palette of materials and modern contemporary design. Proposed onsite open space comprised of a play area as well as replacement landscaping to the Thorney Road frontage and incidental landscaping elsewhere within the site.

The Interim Principal Planning Officer introduced the item and highlighted key information from the report.

Councillor Nigel Simons, Ward Councillor and Councillor Bryan Cole, Parish Councillor addressed the Committee and responded to questions from Members. In summary the key points highlighted included:

- There were concerns raised about the B1443 Thorney Road, and the Highways team had been aware of the concerns. It was therefore felt that the application would contribute further to the danger of the road, particularly where pedestrians used it and there had been no evidence produced to prevent road accidents.
- The site known as St Martin's Road, had 62 dwellings allocated to it and this included Bramble Close. Bramble Close had 42 homes, which should leave an allocation of 20 dwellings, so the application had been out of the ordinary.
- The application would access Hawthorne Close, currently a quiet cul-de-sac, which could present a disaster.
- The catchment secondary school, Aurthur Mellows was currently at capacity and it was questioned where the extra students would be accommodated.
- The design of the application would provide affordable homes for 126 residents, and there was uncertainty about the provision of amenities such as bus routes and cycle and pedestrian services.

- The Parish Council had no issue with development of the site. The issue had been due to the lack of amenities required for the proposal such as the oversubscribed village schools and a Doctors Surgery.
- Concerns were raised over the provision of utilities such as electricity and sewage as the village had already suffered from several electricity and power cuts.
- There were concerns raised over how school children would cross the road as currently a footpath was located on the opposite side of the road to the site. This meant that school children would have to cross several roads, which was feared to result in further road fatalities.
- The current village bus service was inadequate.
- Western Power Distribution (WPD) had confirmed that the power cuts in Newborough Village had been due to demand in the village.
- A footpath was proposed through Hawthorn Road; however, the shortest route was to use Thorney Road and there had been a fear that children would use this route to access the shops and school bus.
- It was hoped that an adequate supply for electrical provision for the proposed development, would be in place to improve the power cut situations being experienced in the village, however, the Parish Council was not optimistic.
- Alternative schools in the area such as Norwood, had not thought to make provision for Newborough Village pupils. In addition, there had been no bus or cycle routes provided for access to that school.
- The nearest Doctor's Surgery was located in Eye and Thorney villages and currently it was too difficult to make an appointment. It was felt that the proposed development would exacerbate the issues currently being experienced.

Chris Taylor and Trevor Edwards, objectors addressed the Committee and responded to questions from Members. In summary the key points highlighted included:

- The main objection was the in relation to access to Thorney Road. The Police carried out a speed traffic survey conducted in August 2019 for seven days. During that period, 85% percentile of the speed travelled by vehicles along the road was 47 miles per hour (mph) on a 30-mph restricted road and more than 91% of the 30,000 vehicles were speeding. The top speed recorded captured was 95mph and hundreds of vehicles that travelled down the road every day at 60 mph.
- Chicanes had been introduced on Thorney Road before the speed limit was reduced from 40 – 30 mph, however, this was not adequate due to the width of farm vehicles, which need to be accommodated.
- Thorney Road was a link road which joined the A47, A15 and A16, which routed around the city to join major artery roads, therefore, it was a very fast-moving road. A few weeks ago, a vehicle mounted the chicane and collided with the proposed entrance to the development.
- A further incident of concern had involved an infant child that had escaped onto the main road, however, was rescued by a passing motorised. The incident should be treated as a public safety issue and measures should be put in place to prevent anything similar occurring in the future.
- The site access proposed should be redesigned to remove the entrance on Thorney Road and change it to travel through to Hawthorn Close for both vehicles and pedestrians.
- The main concern raised was in relation to why 30 dwellings were required on the proposed site. There were 42 houses on Bramble Close on 1.8 hectares with 23 dwellings per hectare and there was 50% more per hectare proposed.

- Bramble Close was the most frequented hectareage in the village. There had been 820 dwellings, with 20 dwellings per hectare throughout the village, so it was queried why there was a need for 50% more per hectareage for Bramble Close.
- The pavement was in an inadequate state of repair and a further 60 people walking up and down would cause significant impacts. It was therefore hoped that the pavement would be renewed. Residents also wanted reassurance against their houses cracking due to subsidence, as pilling that had already been undertaken on Williams Close.
- The residents would be against vehicle access for the proposed Bramble Road site to Hawthorn Close.
- The density concern raised had been in relation to the impact on infrastructure.
- The inadequate state of the pavement had caused residents to walk on the road.
- Hawthorn Close residents had not been consulted by the objector in relation to an access point through that road. However, it was felt by the objector that an entrance at Hawthorn Close would be wide enough for vehicle and pedestrian access and would be safer than the proposed access through the Bramble Close development.
- One of the objectors would be content with a reduction of dwellings for the proposal.
- The safety issues raised in relation to pavements and antisocial behaviour issues had been raised with the Council and Parish Council for Bramble Close.

Mr Peter Wilkinson, the Agent addressed the Committee and responded to questions from Members. In summary the key points highlighted included:

- The proposed development was embedded in the village of Newborough. There were housing developments on three sides on Thorney Road to the North.
- There was one derelict house near the site with bushes and fruit trees on the perimeter. These would be retained where possible, with the installation of a two-metre-high fence, which would be installed following consultation with the landowner.
- The scheme was for 30 affordable homes of one to three bedrooms. Other schemes on Bramble Close to the west had not offered any affordable homes.
- The density of the scheme was only 33 dwellings per hectare and had been appropriate for the site. Furthermore, the required privacy space, distance and parking standards for the proposed development would be maintained.
- The proposed development would provide a focussed view of the open space and linked pedestrian access through Hawthorn Close and was thought to provide a sense of place.
- The link through to Hawthorn Close was important, as it would provide a shorter connection to many amenities such as schools and shops. In addition, there legally was no space to provide a footpath adjacent to Thorney Road.
- All statutory consultees, such as Highways, drainage and education were content with the scheme.
- The development would also provide sustainability of commercial services such as the shop and pub.
- The developer would provide a financial contribution towards improvements for the speed calming measures along Thorney Road.
- The scheme was a grant funded proposal would provide much needed homes for the Peterborough and specifically Newborough.
- The Highway Authority was satisfied with the adjustment made to the access road and avoided vehicles needing to hill start.

- The £20,000 contribution towards the speed restriction improvements would only be for the development, however, it would contribute to the £170,000 village wide scheme, which was felt by the developer to be a fair contribution.
- There could be a condition made on the proposal in relation to the method of pilling in order to prevent cracks to current homes in the area.

The Planning and Environmental Protection Committee debated the report and in summary, key points raised and responses to questions included:

- Members were advised that the B1443 speed calming scheme had been considered by Highway officers,
- Installation of a path along the B1443 would not be feasible due to space currently available as well as the expense it would entail.
- Access proposed into the site had been similar to other developments such as Bramble Close. If the road was up for adoption, it could be considered in the future.
- Members were advised that the geometry of the vehicle access and visibility onto the B1443 road from the proposed site, had not caused Highway officers safety concerns for the type of road given the speed travelled of 30 mile an hour speed limit. The 30-mph limit on the B1443 would be adequate despite the 47mph reported in the traffic survey mentioned by objectors.
- Members commented that most of the concerns raised in relation to the proposed development had been satisfied, however they were concerned over the access onto the B1443 and whether the incline too high for vehicles exiting the site onto a notoriously busy road.
- The density of the development had not been an issue for Members and the affordable housing options were seen as a positive aspect to the proposal.
- The housing association was a well-established developer, and Members were confident that a high standard in construction would be maintained.
- The concerns raised by residents were understood.
- A condition in relation to the pilling would be welcomed by Members.
- It was felt that the proposed development would not contribute to the speed issues being experienced along Thorney Road and that the situation should be improved by the introduction of additional traffic calming measures.
- The electric power supply should be improved as the developer would need to implement connections to meet the national grid standards.
- The development would serve many families in Peterborough with an affordable housing scheme.
- There was a similar development in Eye Green with less garden space.
- It was a surprise to some Members that the application had only been for 30 houses.
- Some Members were concerned about the installation of a link footpath into Hawthorn Close as it could turn into a rat run for people frequenting the pub or using other facilities.
- Clarification was provided to Members in relation to several conditions. Condition 19 included in the application would cover the gradient for the access onto the B1443 carriage way and this would be undertaken at the build stage of the development. A condition could also be included in relation to pilling and agreed with the LA.
- Members were advised that the contributions towards traffic calming would not be set to £20,000 as previously advised by the Agent but would be an amount set by using the S106 calculation process.
- Members commented that it was hoped that all the road traffic measures that could be implemented, were done so, in order to make the proposed junction on the B1443 safe.

RESOLVED:

The Planning Environment Protection Committee considered the report and representations. A motion was proposed and seconded to **GRANT** the application as per the officer recommendation. The Committee **RESOLVED** (Unanimous) to **GRANT** the planning permission subject to conditions planning permission subject to conditions including an additional condition to control the method of piling to prevent impact on adjacent dwellings.

REASON FOR THE DECISION:

Subject to the imposition of the attached conditions, the proposal was acceptable having been assessed in the light of all material considerations, including weighing against relevant policies of the development plan and specifically:

- The principle of locating housing on this site was acceptable and accordance with Policies LP2, LP3 and LP8 of the Adopted Peterborough Local Plan (2019).
- The traffic impacts of the development were acceptable. The vehicular access point was established via the Development Brief. The design of the internal access roads was acceptable in principle and the development would provide sufficient car parking. The development was therefore considered to comply with policy LP13 of the Adopted Peterborough Local Plan (2019).
- The design of the new houses were considered to be appropriate for their setting and accordingly the proposed development accorded with Policy LP16 of the Adopted Peterborough Local Plan (2019).
- The development would not have any unacceptable adverse impact upon any existing property and would afford the future occupiers a satisfactory level of amenity. The development therefore accorded with Policies LP16 and LP17 of the Adopted Peterborough Local Plan (2019).
- The development would not have any unacceptable ecological impacts. New landscaping and habitats would be provided. The development therefore accorded with Policies LP28 and LP29 of the Adopted Peterborough Local Plan (2019).
- The site could be adequately drained in accordance with Policy LP22 of the Adopted Peterborough Local Plan (2019).

At this point the Committee took a short break.

25.2 **22/01007/HHFUL - 322 OUNDLE ROAD, WOODSTON, PETERBOROUGH, PE2 9QP**

The Committee received a report, which sought retrospective permission for an outbuilding with footprint 4m x 6.1m with 2.8m height to eaves, and 4.5m height to roof apex, sited next to the eastward boundary shared with No.320 Oundle Road. The outbuilding was finished in facing redbrick, with 1.6m overhanging canopy to front and white uPVC fenestration.

The Development Management Officer introduced the item and highlighted key information from the report and the update report.

Cllr Andy Coles, Ward Councillor addressed the Committee and responded to questions from Members. In summary the key points highlighted included:

- The officer's recommendation to refuse the retrospective application on Oundle Road was supported.

- It was highlighted that local residents had issues with the application due to the overbearing nature of the extension, which had been in relation to LP17.
- An application for the extension had been submitted originally, which was refused. A further application was submitted for the installation of a brick shed to replace the old dilapidated wooden shed. However, the development was so much larger than what was in situ.
- The size of the old wooden shed had been the same size as the brick building installed; however, it was the roof that had made it overbearing with an overhang of 1.5m.
- There were only two out of the six neighbours consulted that had raised an objection to the proposal, however, it was felt that there had not been more because most residents were renting their properties in the area. Those that were renting were happy for their views to be communicated to Committee.

Councillor Imtiaz Ali, objector addressed the Committee and responded to questions from Members. In summary the key points highlighted included:

- The application had been for a shed, however, the proposal had suggested more of a living space as the plans had included toilet, shower and insulation.
- The objector was no longer able to hit his golf balls into the area where the shed roof had been installed.
- The roof had completely closed off the views in the objector's kitchen.
- The outbuilding applied for had significantly impacted the objector's view and could be seen from front room, dining room, three bedrooms and front garden.
- It was felt that the residents survey conducted by the Ward Councillor had a good response level of 33%.
- The incremental development of the site had amounted to a 42 square metres extension, which was felt to be double the footprint of the main house.
- A secondary day room of 24 metres was felt by the objector to be too imposing on top of the 42 square metres, and for this reason it was hoped that the Committee would reject the application.
- The referral to Committee was made by a non-ward Councillor and it was felt that this should have been brought to of Ward Councillors attention. The Ward Councillors were of the opinion to agree with officers to refuse the application and therefore, should not have been called in to Committee.

Mohammed Akhtar, and his daughter addressed the Committee and responded to questions from Members. In summary the key points highlighted included:

- The previous building was a shed, the building that had been constructed was of a higher standard. Unfortunately, it had been built slightly taller than a shed with a front canopy.
- The applicant had not accepted that a slightly larger building would be overbearing.
- There was a structure in 324 Oundle Road, which was felt to be larger and more overbearing. In addition, the properties on 320 and 318 Oundle Road, which had constructed large garages on the boundary of 322 Oundle Road. There had been other properties with similar large constructions. Furthermore, the applicant felt that it was unfair that the properties mentioned had been permitted, when his extension was being recommended for refusal.
- The drainage had been upgraded.

- The development had aesthetically improved a very unkempt area. Furthermore, the structure was not detrimental to the area and had been a great improvement to the surrounding area.
- The builders had made a mistake when constructing the day room, which had resulted in it being one metre taller and included a canopy which had not been in line with the plans.
- The applicant felt that the canopy had not affected the neighbours view due to the size of their own properties.
- An alternative application was not submitted as the applicant was unaware that the building would be too high.
- The space between the day room and the back of the house that had not been block paved and was not intended for further development and it was intended for a recreational area.
- The applicant had changed the doors, windows and the canopy to what had been originally applied for as he had changed his mind.
- The Council had given planning permission for a shed; however, the applicant had built a day room instead. A retrospective application was submitted to the planning department, which officers had refused. Subsequently, the application was called into Committee.
- The applicant had not changed the design format as the architect had advised that the plans were standard.
- The applicant felt that it would cost the same money to build a playroom instead of a shed.
- The height was the only change from the original plans and a toilet had been installed to accommodate his wife as she was not able to walk far due to medical reasons.

The Planning and Environmental Protection Committee debated the report and in summary, key points raised and responses to questions included:

- The area on the site that had not been block paved would not be considered by officers as it was not part of the application.
- The permission was for a shed, however there had been substantial changes made to the design and the canopy had made the building appear larger than what it actually was.
- Members felt that there could have been an adjustment to the roof to reduce the size or design.
- Members had not wanted to set a precedence and approve the application and supported the reasons for refusal. The Committee had not wanted more retrospective applications submitted.
- The building had been constructed 1m higher with a 1.6m canopy, which was over and above what had been applied for.
- Members felt that Mr Aktar may not have been aware of the overbuild on height; however, the application was one that had been submitted and refused before. Furthermore, it had come back to Committee for a retrospective approval which Members also had issues with.
- The issue with the application was not that it had been retrospective, the issue was that the same plans had already been refused by a planning officer and had been built despite their decision.
- Some Members felt that there had been no evidence to contradict that the building was not overbearing.
- Members commented that they were disappointed that the Councillor that had called in the officer's decision for refusal and had not attended the meeting or produced any supporting evidence for the call-in.

- The Members agreed with officers that the application was out of scale and design, out of character and had too much impact on neighbours.

RESOLVED:

The Planning Environment Protection Committee considered the report and representations. A motion was proposed and seconded to **REFUSE** the application as per the officer recommendation and following a vote (Unanimous) the proposal was **REFUSED**.

REASON FOR THE DECISION:

The proposal was unacceptable having been assessed in light of all material considerations, including weighing against relevant policies of the development plan and for the specific reasons given below:

- The outbuilding, by way of its siting, size, scale and appearance was at odds with the established character of the application site and wider area. It appeared unduly dominant and incongruous and failed to respect the character of the surrounding area. The proposal therefore resulted in harm to the character, appearance and visual amenity of the locality and was contrary to Policy LP16 of the Peterborough Local Plan (2019).
- The outbuilding, by way of its siting, size and scale, which resulted in an unacceptably overbearing impact to the occupiers of the neighbouring dwellings. The development appeared as an unduly obtrusive and dominant feature for the occupiers of No. 318B Oundle Road, 320 Oundle Road, and 324 Oundle Road, harming the enjoyment of the garden area/outlook and to the detriment of occupier amenity. It was therefore contrary to Policy LP17 of the Peterborough Local Plan (2019).

At this point the Committee took a short break.

25.3 22/01217/HHFUL - 1 THORPE AVENUE, PETERBOROUGH, PE3 6LA

The Committee received a report which sought planning permission to significantly extend the dwelling with a single storey side extension, two storey front and side extension with balconies to the south and alterations to the roof. The proposal was identical to a recently refused application (22/00212/HHFUL) with the exception of the front balconies which had been pulled back by 600mm. The applicant had not appealed this decision or amended the proposal to overcome all of the reasons for refusal.

The Development Management Team Leader introduced the item and highlighted key information from the report and the update report.

Cllr Lucinda Robinson, Ward Councillor addressed the Committee and responded to questions from Members. In summary the key points highlighted included:

- There were two things to consider, the provision of prestige homes under LP09 against the maintenance of a Special Character Area (SCA) under LP20.
- The Ward Councillor was not against people extending their properties, however, it needed to meet the requirements of the Local Plan.
- The SCAs around Peterborough were chosen for a reason and the park land affected by the proposal had been of important natural beauty to the area.
- The proposal, if agreed, could damage the look and character of the Thorpe Road area.

- The common thread of diverse properties, constructed along Thorpe Road needed to be maintained.
- Under LP09, there was provision for large luxury homes to be converted and the conversation officer was not entirely against the extension of properties in the area, as there had been several properties altered. However, the proposed extensions or changes to luxury homes in the area needed to meet the SCA requirements of the area.
- The concerns made by residents in the area, had been in relation to massing, proximity to the neighbours and height of the proposed extension.
- The home could be extended into a luxury home, however the design needed to be reconsidered by the applicant and comply with the SCA of the area.

Simon Kelly, objector addressed the Committee and responded to questions from Members. In summary the key points highlighted included:

- The objector was speaking on behalf of neighbours at 188 Thorpe Road and 133 Thorpe Avenue.
- All of the Special Character Areas (SCA) in Peterborough highlighted in the 2019 Local Plan (LP) were designated for amongst other reasons, their architectural quality.
- LP20 stated that alterations should be sympathetic to the original building design and appropriate style to maintain character.
- LP20 sub paragraph c, stated that the development must respect the scale, massing, depth, materials and spacing of established properties.
- The Conservation Officer, had confirmed that the particular SCA, had an early to mid to late 20th century character. However, plans had been shared to show how the area was developed from the 1940's.
- Number 1 Thorpe Avenue was a good example of the 1940's character, built of a locally distinctive Stanford brick with unusual green glazed tiles. It had a varied roof line and an attractive frontage to Thorpe Avenue, which made a positive contribution to the SCA.
- The proposal was going to wrap the property with anonymous rendered finish with grey cladding and tiling.
- In order to accommodate the swimming pool on the northern side of the plot, the proposal would push the extension 11m into the garden on the southern side. This would result in a first-floor bedroom balcony 3.9m away from the bathroom window at 188 Thorpe Road. It was felt that despite a reduction in size, there remained to be a privacy issue for 188 Thorpe Road.
- Natural light would also be lost on the ground floor and utility room at 118 Thorpe Road.
- Concerns were raised as to whether the planting between the properties would survive a 3.9m tunnel needed to install the swimming pool.
- The neighbouring houses would be dwarfed by the proposed extension as the footprint would be doubled and the ridge height would be nearly 10m.
- There was scope to extend the property but following the existing style of the original building and sympathetic to the area.
- LP20 sub paragraph c, had been relevant and referred to a design policy for SCAs and would apply to both extensions and new builds.

Simon Machen, the Agent addressed the Committee and responded to questions from Members. In summary the key points highlighted included:

- The proposal was to provide a family home and was not a proposal from a developer.
- The house was not a listed building and was not included on the Council's list of Heritage Assets, which was not a protected properties list.
- The site was not on the Longthorpe Area and therefore had no statutory heritage protection.
- The house could be demolished within a 28-day demolition notice.
- It was felt that officers had given the level of weight afforded to a proposal within a Conservation Area, which was not what the Committee needed to consider.
- The Thorpe Road area together with the village of Wothorpe were designated SCAs within the LP. The primary purpose of the SCA designation was to prevent plot sub-division and to maintain the supply of large homes to support the recognised need for prestige homes in the area. The type of homes which businesspeople and entrepreneurs wished to live in.
- It was the large homes with large plots dominated by a tree canopy that defined the area. Furthermore, there was no predominant architectural style on Thorpe Road.
- The majority of properties on Thorpe Avenue was dominated by 1970's to 1980's manicured suburbia style. There were some old properties, however, the character of Thorpe Avenue was not 1920's in style.
- It was felt that the objections to the proposal were more in relation to a fear of change verses aspiration, innovation and recognition of the needs for a modern and diverse community.
- Peterborough was a University City where young people needed to be inspired and it was felt that most young people would want to live in a house with an extension that had been proposed, rather than a 1940's property.
- Planning Officers would be reluctant to accept a proposal to green tiles as an option for the roof material.
- The harm to a Conservation Area had been reconsidered by the Planning Officer, however, was no longer applicable.
- The site was screened by trees, hedges and had not been visible from the parkland area despite the Planning Officers comments. It was felt that the existing house would not be visible from the parkland.
- Officers had not raised a conservation issue for an identical proposal submitted in the area.
- The bathroom window visibility issues had been resolved with Planning Officers and was no longer a concern.
- The proposal was a substantial house on a large plot and similar to 188 Thorpe Road.
- It was a shock to the applicant to receive a planning refusal given that the Senior Conservation Officer had agreed with the proposal
- Mr and Mrs Dalton's property had not been accessed by the applicant or agent in order to assess the application from their perspective, as it would be unusual to do so and there had been no invitation.
- A previous speaker had explained his view of the LP20 definition, however, that had not meant that all planners would agree with it.
- The property would be twice the size of the footprint, however there were only certain aspects of properties in the area that would be seen from the parkland.
- The view seen at the top and bottom of the parkland photographs had shown a small section of Thorpe Road. The pictures presented had not shown an accurate representation of Thorpe Road in its entirety as the view should show a row of houses along that road. Therefore, the pictures presented had demonstrated a

wider panoramic view of the parkland which gave a false impression of what could actually be seen.

- The bathroom window of the neighbouring property was obscured by a hedge. If the hedge was not present, the neighbour's bathroom would overlook the applicant's garden.
- From parts of the neighbour's garden, the proposed roof could be seen, however it depended on where they were stood in the garden as it could not be seen from their patio area, however, in other parts of the garden they would see a glimpse. The question was whether the view would cause the neighbours any material harm and the agent had believed it would not.

The Planning and Environmental Protection Committee debated the report and in summary, key points raised and responses to questions included:

- Members were advised that the extension massing for 188 Thorpe Road and surrounding area would be detrimental and overbearing.
- The foliage in some seasons of the year would expose some of the properties on Thorpe Road could be seen from Thorpe Hall gardens.
- Members were advised that the reasons for refusal in relation to the conservation aspects had remained consistent during the process and there had been no deviation from that. The report stated that the application had no public benefit, which was the reason for the impact on the SCA.
- None of the properties that had been extended in the area were uniform, however, the existing property would be more prominent and not in keeping with the view.
- Members commented that the extension appeared to look more like a hotel than an extension to a home.
- Members felt that the paragraphs stated in LP20 related more to the design of an extended property and was not just related to sub-division.
- A modest extension had been more likely to be accepted.
- Following a site visit, it was obvious that the proposed extension would be overbearing to the neighbours at 188 Thorpe Road.
- The design was characterless and there had been no consideration to the SCA.
- The scale, mass and depth should pay regard to LP20 and it had appeared on the site visit, that the proposal would not meet the criteria.
- Members commented that a proposal that was more in keeping with the area would be more acceptable.
- Most of the houses in the area from the 1940's had been extended, and for that reason some Members felt that the proposal was acceptable.
- Members commented whether the impact on the area be acceptable. The character of the area was a SCA and should be maintained.
- The balcony had been accepted by officers; however, it was not acceptable to Members.

RESOLVED:

The Planning Environment Protection Committee considered the report and representations. A motion was proposed and seconded to **REFUSE** the application as per the officer recommendation and following a vote (9 for, 2 against) the proposal was **REFUSED**.

REASON FOR THE DECISION:

The proposal was unacceptable having been assessed in light of all material considerations, including weighing against relevant policies of the development plan and for the specific reasons given below.

- The proposal by virtue of its design, scale, height and mass, as well as the prominent corner plot location, would appear contrived, unduly dominant and obtrusive and would be harmful to the character and appearance of the Thorpe Road Special Character Area, and the setting of the adjacent Longthorpe Conservation Area, contrary to Policies LP16, LP19 and LP20 of the Peterborough Local Plan (2019) and sections 12 and 16 of the NPPF.
- The proposal, by virtue of its design, scale, height and mass, as well as its close proximity to No. 188 Thorpe Road, would result in an unacceptably dominant and overbearing impact to No.188 and its garden. The proposal would therefore have an unacceptably detrimental impact on the residential amenities of the occupiers of that property, contrary to Policy LP17 of the Peterborough Local Plan and Section 12 of the NPPF.

CHAIRMAN
1:30 – 5.00pm

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**MINUTES OF THE PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE
MEETING
HELD AT 1:30PM, ON
TUESDAY, 15 NOVEMBER 2022
COUNCIL CHAMBER, TOWN HALL, PETERBOROUGH**

Committee Members Present: Harper (Chair), Amjad Iqbal (Vice-Chair), Jones, S Bond, Rush, Hiller, Hogg, Coles, Jamil, Sharp, and Warren.

Officers Present: Sylvia Bland, Development Management Group Lead
Daniel Kalley, Senior Democratic Services Officer
Edna Johnson, Property Lawyer
Chris Gordon, Planning Solicitor
Alex Woolnaugh, Principal Engineer
Shaheeda Montgomery, Development Management Officer
Phil Moore, Development Management Team Leader

26. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Hussain and Councillor Andrew Bond. Councillor Coles and Councillor Sandra Bond were in attendance as substitutes.

27. DECLARATIONS OF INTEREST

There were none.

28. MEMBERS' DECLARATION OF INTENTION TO MAKE REPRESENTATIONS AS WARD COUNCILLOR

Cllr Jamil declared his intention to address committee as Ward Councillor on item 4.1 22/01294/FUL - 5 Fortune Buildings Cowgate Peterborough PE1 1LR.

29. PLANNING AND ENFORCEMENT MATTERS

29.1 22/01294/FUL - 5 Fortune Buildings Cowgate Peterborough PE1 1LR

1.35pm - at this point Councillor Jamil stood down from the committee in order to address the committee on this application.

The Committee received a report, which sought approval for planning permission for the retention of a fixed canopy for a period of 3 years.

This is a retrospective application as the canopy has already been installed. The fixed canopy has an area of 5.4m (w) x 2.6m (d) standing at 3.1m in overall height, but 2.4m above the footway.

The canopy had been installed using a powder coated aluminium frame (visible to the side) with a canopy coverall and overhang.

The Development Management Team Leader introduced the item and highlighted key information from the report and the update report.

Cllr Jamil, Ward Councillor, addressed the Committee and responded to questions from Members. In summary the key points highlighted included:

- The Pizza Parlour was an institution and was a family run business. This was also one of the few places where people can hear live music.
- This was a vibrant part of the street and the city centre and it was important to protect this.
- The hospitality sector had been hit hard recently. The sector had the highest level of insolvencies since 2009. Businesses such as this needed to be commended for staying open and providing for the local community.
- The property was only added to the conservation area in 2017. The north side of the street had many new buildings. It was arguable if the canopy did not fit policies, however this needed to be balanced against the benefits that the business provided.
- The council had actively encouraged outside dining and it needed to continue supporting local businesses.
- The applicant was asking for a temporary planning permission for three years. This was a lively commercial street and the business was popular amongst residents. and this was a lively commercial street.
- It was difficult to see how the fixed canopy impacted the view of the Cathedral, it was argued that this enhanced the actual building itself rather than cause a detriment.
- By granting a temporary consent there was the opportunity for the committee to look again at the application to see if it had a negative impact.
- It was felt the public benefit outweighed the need to adhere strictly to the policies. If this had to be taken down, it would create additional financial hardship on the applicant.
- A petition signed by over 500 people had been submitted, this clearly showed that residents had welcomed the fixed canopy.

The Planning and Environmental Protection Committee debated the report and in summary, key points raised and responses to questions included:

- Members were informed that the canopy reached further than the retractable one, however a retractable canopy could reach the same extent as the permanent one.
- There was no retractable device behind the fixed structure.
- Officers only became aware after the fixed canopy after it had been installed. Residents were encouraged to speak to planning officers before carrying out any alterations, however it was not illegal to carry out planning works, but this then did increase enforcement action being taken if it contravened planning policy. In this instance the applicants would have been aware of the restrictions.
- It was felt the design of the canopy was engineered and detracted from the conservation area. A more suitably designed canopy would not have the same impact on the views of the Cathedral.
- The owner of the property replaced something that had been granted planning permission. The new design was not correct and had a big impact on the street scene. There was no clear evidence as to why this canopy had a particular benefit over the retractable canopy.

- There were no clear benefits to having the fixed canopy, the retractable canopy was adequate and this could have been modified to provide the same benefit.
- There were potentially some benefits to the fixed canopy in so much as more people could be accommodated at the restaurant.

RESOLVED:

The Planning Environment Protection Committee considered the report and representations. A motion was proposed and seconded to **REFUSE** the application as per the officer recommendation. The Committee **RESOLVED** (unanimous) to **REFUSE** the planning permission. Enforcement team to undertake formal enforcement action to remove the canopy.

REASON FOR THE DECISION:

The proposal was unacceptable having been assessed in light of all material considerations, including weighing against relevant policies of the development plan and for the specific reasons given below

R1: The retrospective canopy, by virtue of its design, unacceptably harms the character and appearance of the site and the surrounding City Centre Conservation Area. This is specifically in relation to the fixed and non-retractable operation which is at odds with the retractable canopies visible within the street scene, as well as being wholly contrary to Design Principle 3: Blinds and Canopies of the Peterborough Shopfront Design Guidance SPD (2014), which permits only retractable canopies in Conservation Areas. The proposal results in less than substantial harm to the character of the City Centre Conservation Area, which is not outweighed by any limited public benefits. Accordingly, the development is contrary to Policies LP6, LP16, LP18, LP19 and LP47 of the Peterborough Local Plan (2019), the Peterborough Shopfront Design Guidance SPD (2014) and paragraphs 134 and 202 of the National Planning Policy Framework (2014).

29.2 22/00792/HHFUL - 16 Audley Gate Netherton Peterborough PE3 9PG

2.05pm - at this point Councillor Jamil re-joined the meeting.

The Committee received a report, which was a re-submitted application. It is identical to the previous scheme submitted under application reference 22/00109/HHFUL, which was subsequently withdrawn by the applicant after planning concerns were raised by Officers.

The current application seeks planning permission for:

- a 1.5m deep single storey front extension, which would be 3.65m wide on north side, and 3.8m wide on the south side, plus an additional 1m deep canopy above the entrance;
- a 1.5m deep two-storey front extension, which would be 7.1m wide with a gable end;
- a 3.65m deep two-storey side extension to north side, topped with a double gable/M shaped roof;
- a 3.65m deep two-storey side extension to south side, topped with a double gable/ M shaped roof;
- an 8m deep flat-roofed single storey rear extension, which would be 14.5m wide and with a roof lantern; and
- a 3.5m deep first-floor rear extension, above the ground floor rear extension, which would be 7.1m wide and topped with a gable end roof.

The scheme would retain minimum 3nos car parking spaces on the front driveway and finishing materials would match the existing dwelling.

The Development Management Officer introduced the item and highlighted key information from the report and the update report.

Mr Shafiq, the applicant addressed the Committee and responded to questions from Members. In summary the key points highlighted included:

- This was the same application as had previously been submitted but was then withdrawn.
- There was a need for the development for a number of reasons. One of those reasons was due to the size of the family. There was to be eight people living in the property including the applicants' parents. This needed to be done now so that over the next twenty years the family could live comfortably.
- There had been no objection from neighbours or local residents, they had understood the need to increase the property size and were supportive of the reasons for doing so.
- Both the applicant's mother and father had health issues and were constantly in and out of hospital. It was anticipated that the father would be immobile in the near future and the extension sought would help ease this burden on the family.
- The garden area would be maintained to a high standard. There was to be a large room to the rear of the property, whilst maintaining as much of the garden space as possible.
- The property was one of the largest plots in the area and needed modernising and expanding.
- The state of the property was in its current state and had not changed since it was originally built. There were signs of subsidence and creating an extension would help strengthen the property.
- Support had been received from the local neighbours and friendly relationships had been built up over the years. There had also been a number of developments in the area that had been extended. There had been a double storey garage built in the same street which had been approved and no objections were made on that application. The proposal in front of members did not extend beyond what the double storey garage had done.
- Thorpe Park road had a number of different houses of all different shapes and sizes which had been approved over the years.
- The applicant was keen to complete the extension before the cost of living crisis had too much of an impact on the family finances.
- The property had been purchased in May 2019 and the original application had gone in at the end of 2021. Meetings with the neighbours had taken place at an early stage before the application had been submitted. The residents behind the property had not objected to the application.
- There had been no dialogue with planning officers prior to the application being submitted. There had been an assumption that this would be fine and the application would be granted.
- The architect had put in the application a few weeks after initial comments had been submitted. Members were informed that the applicant had been under a lot of stress around the time the original application had been withdrawn. Following this consideration had been given to the concerns raised, however the extension as was originally submitted was needed in order to ensure the family had adequate living space.

- With regards to the applicants mother, she was in and out of hospital with medical needs. The applicant had a duty of care to look after his parents.
- The guidance from the architect and the feedback was that the extension was too wide. Although officers had suggested making the extension narrower the applicant felt that this would not work and did not want to apply to extend the house in stages, instead doing the extension in one go, which would be cheaper.

The Planning and Environmental Protection Committee debated the report and in summary, key points raised and responses to questions included:

- It was regrettable not to be able to approve the application in its current state. Officers were of the view that the application failed to respect the site and the surrounding area. More dialogue between the applicant, architect and planning officers was needed to make the application more acceptable.
- The current application was the same scheme that was applied for originally. Officers acknowledged there were historic developments and few of them go before the adoption of the local plan.
- This was a large plot and in principle the site could accommodate a large development. The main objections had been over the design of the property and these went against Local Plan Policy LP16.
- Officers were not aware of any supporting documents which outlined the medical conditions of the applicants' parents. The plans did outline a wet room which would be used by someone who was disabled.
- The proposal did not take up 50% of plot. It was very much the design that the refusal from officers was being recommended.
- It was understandable that time was of the essence for the application to commence as soon as possible. It was regrettable that the suggestions from the planning officers had not been adhered to. There was opportunity for this application to be redone and with help from officers it would likely be more acceptable.
- The scale of the development was too large, even though the plot was large. It was felt this would have a negative impact on the local area and was not the right extension.
- It was clear to see that the applicant needed to extend the property. Get why the applicant needs to have an increase in size of the property. The objections were more around the design of the property. It was clear LP16 was the main driving force for the refusal and that the application was deemed to cause visual harm to the surrounding area.
- The committee needed to bear in mind that the applicant had the right to appeal if the application was refused. This could then be overturned by the planning inspectorate, leading to costs being awarded against the Council. There had been occasions in the past whereby the health of family members had been considered and the application granted.
- It was clear that the design was the issue. There was support from the planning officers who would help the applicant in being able to create an extension that would be acceptable and would allow the applicants family to live in a suitable property.

RESOLVED:

The Planning Environment Protection Committee considered the report and representations. A motion was proposed and seconded to **REFUSE** the application as per the officer recommendation and following a vote (9 for, 2 against) the proposal was **REFUSED**.

REASON FOR THE DECISION:

The proposal was unacceptable having been assessed in light of all material considerations, including weighing against relevant policies of the development plan and for the specific reasons given below.

R 1 The proposed development, by virtue of its siting, size, scale, design and massing, would fail to respect the scale, design, proportions, and character and appearance of the host dwelling, visually swamping it, to its visual detriment. The resultant property would appear inappropriately wide and would cause visual harm to the character and appearance of the site and surrounding area, by eroding the existing open spacious character and generous separation distances between dwellings. The proposal is therefore contrary to Policy LP16 of the Peterborough Local Plan (2019).

2.55pm - at this point Councillor Sharp left the meeting.

29.3 22/01164/FUL - 89A Eastfield Road Eastfield Peterborough PE1 4AS

The Committee received a report which sought planning permission to erect a single storey building to form a retail unit. The proposed building would have a floor area of 13m x 5.2m and proposes to stand at 3.2m to eaves and 4.6m to ridge finished in matching materials.

The Development Management Team Leader introduced the item and highlighted key information from the report and the update report.

The Planning and Environmental Protection Committee debated the report and in summary, key points raised and responses to questions included:

- Officers were not aware of this location being within the “Op Can Do” area of the city. This was not a planning consideration that affected whether planning permission could be granted.
- A condition had been added that required details of a security plan to be submitted to planning officers as part of the granting of the application. This was to prevent anti-social behaviour from occurring down the alleyway next to the application property. This also involved the applicant seeking advice from the Police Liaison Officer. The condition was added at the request from the Police.
- At certain times of the day parking spaces could be used for a short period to go into the shop or be used by residents with a parking permit. Outside of these hours the parking bays were only for residents with permits.
- The application had some issues which needed to be addressed, however officers had explained how these had been addressed. In terms of security this could be dealt with by a condition.
- Parking was not an issue and the rules around parking permits were explained to members.
- Parking and highway safety were worthy of being referred to committee as this could cause issues in the future.
- There were clear reasons for calling the application into the committee. Issues around parking and safety were two of the main reasons for doing so. Officers needed to work with the Police to ensure that safety of residents and the public were maintained with this application.

RESOLVED:

The Planning Environment Protection Committee considered the report and representations. A motion was proposed and seconded to **GRANT** the application as per the officer recommendation and following a vote (Unanimous) the proposal was **GRANTED** subject to the conditions outlined and the discharge of Condition 3 was done in consultation with Police ALO to agree which security measures might be most suitable for the proposed development.

REASON FOR THE DECISION:

Subject to the imposition of the attached conditions, the proposal is acceptable having been assessed in the light of all material considerations, including weighing against relevant policies of the development plan and specifically:

- The proposed development would not detract from the vitality or viability of the Local Centre, and would accord with Policy LP12 and LP47 of the Peterborough Local Plan (2019);
- The proposed development would preserve the significance of the adjacent Conservation Area, and would not adversely harm the character or appearance of the immediate area, in accordance with Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990, Policies LP16 and LP17 of the Peterborough Local Plan (2019) and Paragraphs 130 and 202 of the NPPF (2021);
- The proposed development would not have an unacceptable harmful impact to neighbouring amenity, nor would it give rise to crime or anti-social behaviour, in accordance with Policies LP16 and LP17 of the Peterborough Local Plan (2019); and
- The application site is situated within a Local Centre, a sustainable location with good access to car parking and public transport, as such the proposal is not required to provide any on-site car parking, and would not result in an adverse highway safety hazard, and accords with Policy LP13 of the Peterborough Local Plan (2019).

29.4 22/01159/FUL - 85 Eastfield Road Eastfield Peterborough PE1 4AS

The Committee received a report which sought planning permission for the conversion of the ground floor flat to a shop, installation of new shopfront, ground floor rear extension and associated internal and external works

For the avoidance of doubt, this application relates to the ground floor only. The first floor would remain residential.

The Development Management Team Leader introduced the item and highlighted key information from the report and the update report.

The Planning and Environmental Protection Committee debated the report and in summary, key points raised and responses to questions included:

- The only real concern could potentially be the loss of the bay window at the front of the property.
- The removal of the bay window would neaten up the shops and make this a more attractive street overall.

RESOLVED:

The Planning Environment Protection Committee considered the report and representations. A motion was proposed and seconded to **GRANT** the application as per

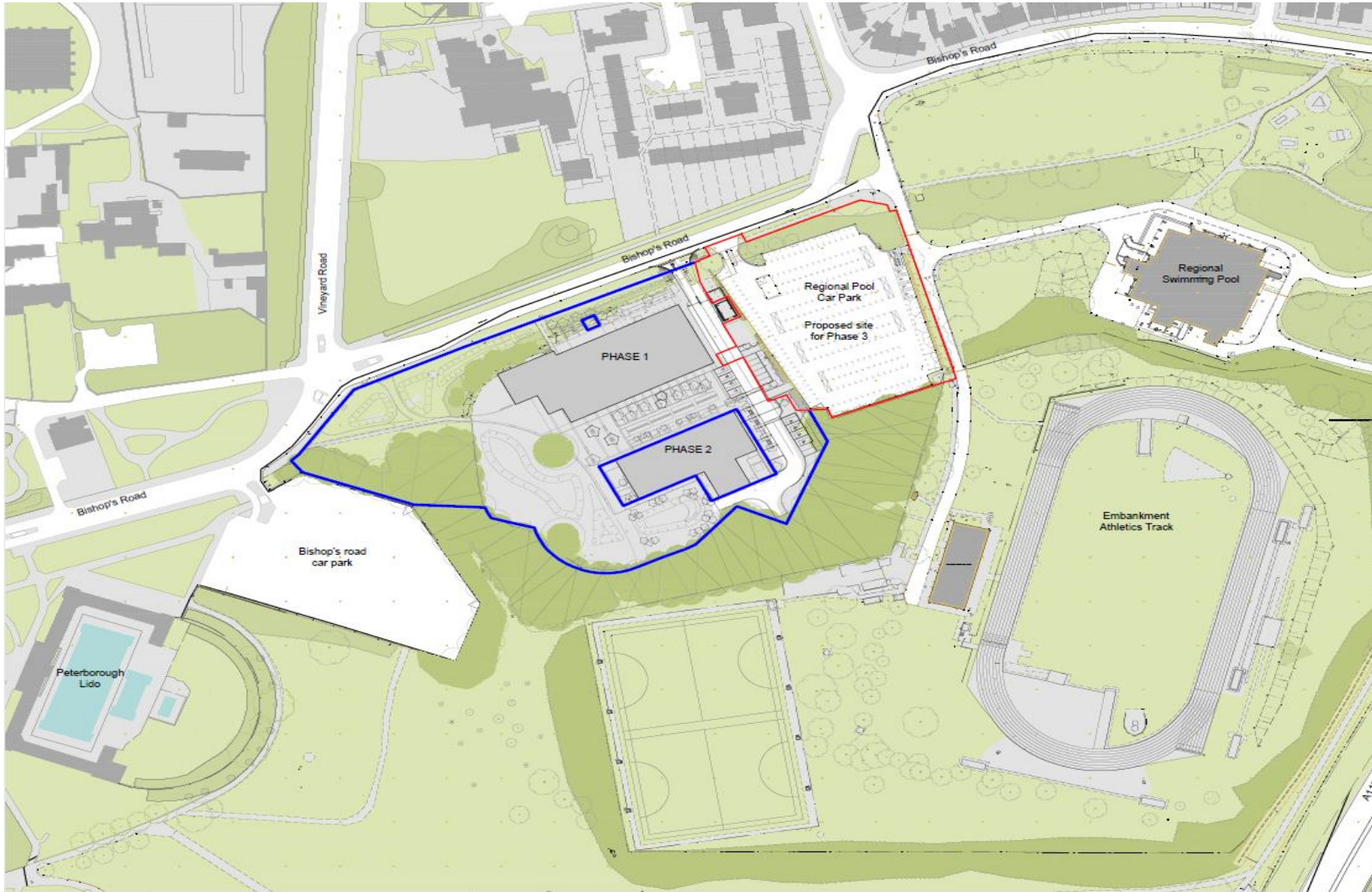
the officer recommendation and following a vote (Unanimous) the proposal was **GRANTED** subject to the conditions as amended in the update report

REASON FOR THE DECISION:

Subject to the imposition of the attached conditions, the proposal is acceptable having been assessed in the light of all material considerations, including weighing against relevant policies of the development plan and specifically:

- The proposed development would not detract from the vitality or viability of the Local Centre, and would accord with Policy LP12 and LP47 of the Peterborough Local Plan (2019);
- The proposed development would preserve the significance of the adjacent Conservation Area, and would not adversely harm the character or appearance of the immediate area, in accordance with Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990, Policies LP16 and LP17 of the Peterborough Local Plan (2019) and Paragraphs 130 and 202 of the NPPF (2021);
- The proposed development would not have an unacceptable harmful impact to neighbouring amenity, nor would it give rise to crime or anti-social behaviour, in accordance with Policies LP16 and LP17 of the Peterborough Local Plan (2019); and
- The application site is situated within a Local Centre, a sustainable location with good access to car parking and public transport, as such the proposal is not required to provide any on-site car parking, and would not result in an adverse highway safety hazard, and accords with Policy LP13 of the Peterborough Local Plan (2019).

CHAIRMAN
1:30 – 3.25pm



Reference: 22/01370/R3FUL
Site address: Regional Swimming Pool Car Park, Bishops Road, Eastgate, Peterborough

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Application Ref:	22/01370/R3FUL
Proposal:	Erection of a two-storey building, laying of car parking and associated works, infrastructure and landscaping
Site:	Regional Swimming Pool Car Park, Bishops Road, Eastgate, Peterborough
Applicant:	.
Agent:	Peterborough HE Property Company Ltd Mr Rob Riding Pegasus Group
Site visit:	12.10.22
Case officer:	Mr M A Thomson
Telephone No.	01733 453478
E-Mail:	matt.thomson@peterborough.gov.uk
Recommendation:	GRANT subject to conditions and the signing of a legal agreement securing off-site highway mitigation.

1 Description of the site and surroundings and Summary of the proposal

Site and Surroundings

The application site is located within the identified Peterborough City Centre boundary and directly to the south of Bishops Road, a main route into the city centre from the east.

The application site itself comprises the Regional Pool car park. the Regional Pool itself is situated 100 metres to the east and is not included within the application site. To the north, on the opposite side of Bishops Road are residential development and Bishop Creighton Academy. To the north-east is Bishops Park, an area of Public Open Space, and to the south-east is the Embankment Athletics Track.

To the immediate west is the former Wirrina surface public car park, which is now host to Phases 1 and 2 of the University of Peterborough (granted planning permission under application reference 20/01044/R4FUL and 21/00287/R3FUL). At the time of writing this report, Phase 1 is now operational and open to university teaching, and Phase 2 has been constructed and was subject to internal fit out. Beyond is Bishops Road surface car park adjacent to the Grade II Listed 'Lido'.

Both within and surrounding the site are a series of mature treed shelter belts which date to the time of the Development Corporation and are intrinsic to the character of the wider area south of Bishops Road. However, none are subject to formal protection by way of a Tree Preservation Order.

The site lies entirely within the identified Riverside North Policy Area of the Local Plan. It is not sited within any designated Conservation Areas, but is in close proximity to the City Centre conservation area and sits within the presence/setting of the Grade I Listed Cathedral and its Precincts.

Proposal

The Applicant seeks planning permission for the 'erection of a two-storey building, laying of car parking and associated works, infrastructure and landscaping'.

The building would form Phase 3 of the University, comprising a mixture of generic and specialist teaching, academic workspace, a living lab for active learning, engaging community research and

events, social learning and study, as well as welfare support for Students. A small catering facility is also proposed.

The building would have an L-shape footprint with a maximum floor area of 57m x 50m. The element fronting Bishops Road would utilise a saw-tooth roof arrangement, standing at 12.2m in height, and the rear element would be flat roof standing at 9.6m in height.

A total of 80x secure cycle parking spaces would be provided, as well as 4 accessible parking spaces served by EV charging points.

2 Planning History

Reference	Proposal	Decision	Date
21/00287/R3FUL	Full application for the erection of a three storey building, car parking and associated works, infrastructure and landscaping for use as a research and development building as part of the University of Peterborough. Outline application (with all matters other than access and scale reserved) for the erection of a car park with capacity of up to 180 additional spaces, creation of a new access off Bishop's Road including the creation of a new access to the Regional Pool car park and closure of the existing access off Bishop's Road, and associated works, infrastructure and landscaping.	Permitted	18/06/2021
22/00005/SCREEN	Redevelopment of existing car park to construct a new teaching building as part of phase 3 of Anglia Ruskin University Peterborough	Comments	15/09/2022
16/01948/R4FUL	Use as hand car-wash facility	Permitted	04/01/2017
09/00021/FUL	Continued use as a public car park	Permitted	28/04/2009
06/00840/FUL	Use of car park for car boot sales on Sundays and Bank Holiday Mondays - Retrospective	Permitted	20/07/2006
04/00719/FUL	Continued use as car park	Permitted	18/06/2004
03/01716/FUL	Demolition of building and erection of 60 bedroom hotel with 51 parking spaces.	Withdrawn by Applicant	25/02/2005
01/01152/OUT	Renewal of planning permission 96/P0605 for 120 bed hotel and conference centre with car parking	Withdrawn by Applicant	06/03/2003
01/00416/FUL	Three storey hotel with basement car park and conference centre and associated works	Withdrawn by Applicant	13/11/2002
97/01312/FUL	Renewal of planning permission 93/P0730 to continue use as motorcycle training and portacabins as office	Permitted	06/02/1998
94/P0863	Additional use for indoor second hand/antique fairs, jumble sales, one day sales, exhibitions and trade fairs	Permitted	01/03/1995
93/P0730	Change of use of land from car park/games court to motorcycle training (educational) (class D1) including stationing of two portacabins for office use (retrospective)	Permitted	07/12/1994
P1046/89	Erection of 150 bedroomed hotel and conference centre with car parking (outline) - application as amended by agent's letter of 28th September 1989 and accompanying drawings nos 88/20/13, 14 and 15	Permitted	30/11/1989
P1025/85	Erection of 134 bedroom hotel (outline)	Permitted	10/04/1986
P0614/81	Layout of all-weather roller hockey pitch	Permitted	23/07/1981
P0750/76	Layout of public open space including childrens playground	Permitted	18/10/1976
20/01044/R4FUL	Erection of three storey building and	Permitted	12/11/2020

	change of use of the land to form University, creation of vehicular access, car parking and associated infrastructure and landscaping		
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3 **Planning Policy**

Decisions must be taken in accordance with the development plan policies below, unless material considerations indicate otherwise.

Planning (Listed Building and Conservation Areas) Act 1990

Section 66 - General duty as respects listed buildings in exercise of planning functions
The Local Planning Authority has a statutory duty to have special regard to the desirability of preserving the building or its setting, or any features of special architectural or historic interest which it possesses.

Section 72 - General duty as respects conservation areas in exercise of planning functions.
The Local Planning Authority has a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area or its setting, or any features of special architectural or historic interest which it possesses.

National Planning Policy Framework (2021)

Paragraph 38 - Decision-making
Chapter 6 - Building a strong, competitive economy
Chapter 8 - Promoting healthy and safe communities
Chapter 9 - Promoting sustainable transport
Chapter 12 - Achieving well-designed places
Chapter 14 - Meeting the challenge of climate change, flooding and coastal change
Chapter 15 - Conserving and enhancing the natural environment
Chapter 16 - Conserving and enhancing the historic environment

Peterborough Local Plan 2016 to 2036 (2019)

LP4: Spatial Strategy for Employment, Skills and University Development
LP6: The City Centre - Overarching Strategy
LP13: Transport
LP16: Design and the Public Realm
LP17: Amenity Provision
LP19: The Historic Environment
LP22 Green Infrastructure Network
LP28: Biodiversity and Geological Conservation
LP29: Trees and Woodland
LP32: Flood and Water Management
LP33: Development on Land Affected by Contamination
LP51: Riverside North Policy Area

Peterborough Flood and Water Management SPD (2019)

Peterborough Green Infrastructure and Biodiversity SPD (2019)

4 **Consultations/Representations**

Peterborough Civic Society

No objection - Peterborough Civic Society support for the University Project remains strong and our views on the Phase 3 plans are generally positive.

The chosen location of the Phase 3 building (Option 1 in the Option Appraisal) is logical and fits well with phase 1 and 2 buildings. Future planning should aim to maintain a substantial green belt to the north of the regional pool from Bishops Park to the parkway, as illustrated in the

Embankment Masterplan. Hence, we consider that the northern halves of the areas covered by options 3 and 4 in the Option Appraisal would be unacceptable locations for development.

The Embankment Area has a major impact on the heritage setting of the cathedral and some of the most important views of the cathedral are from the Embankment. The proposed Phase 3 building will not have any significant impact on heritage assets including views of the cathedral.

The Phase 3 building is in scale with existing buildings and the design is positive, with some distinctive features. The Living Lab will be a prominent feature of the building with the wider public realm area leading into the planned central campus green.

The pedestrian-focussed design with good cycle access is supported. However, it is unrealistic to assume that there will be insignificant car journeys generated by staff, students and visitors at a university with 12500 students. While there may be car parking available in city centre car parks these are relatively expensive for longer term parking and issues with on-street parking in residential areas are likely to arise.

Historic England

No objection - We have no objections on heritage grounds to the proposed Phase 3 Teaching building. We consider its scale, massing and detailed design will be complementary to the Phase 1 and Phase 2 buildings.

We are satisfied that the development would not cause harm to the significance of the grade I listed Peterborough Cathedral and Precinct as a result of the impact on their setting, including in protected views towards the east elevation of the Cathedral, which has fewer vantage points.

The Gardens Trust

No objection - We have considered the information provided in support of the application and liaised with our colleagues in Cambridgeshire Gardens Trust. On the basis of this, we confirm we do not wish to comment on the proposals at this stage. We would however emphasise that this does not in any way signify either our approval or disapproval of the proposals.

PCC Conservation Officer

No objection - The proposal would sit adjacent to and within the context of the wider university development site and is considered to be of a design that is complimentary to the other two recently developed blocks of similarly contemporary design. The sawtooth roof structure is deemed to add a level of interest to the building and a positive gateway feature to the university campus. The proposed building would be two-storey and substantially lower than the three-storey height of the two existing university buildings. It is therefore considered that this proposal is of an appropriate scale within its immediate setting.

As with the previous two applications on the site, it is imperative that considerations must also be made as to the potential impact on the flagship views of the Cathedral from various parts of the embankment. Having considered the vantage points and the position of the building within the viewing arc, and the lower height of the proposed building than the existing university buildings, it is not considered that there would be an impact on the identified and protected cathedral views. It is also considered that the building would be largely screened from the embankment by the existing tree belt that separates the site from the embankment.

I therefore reach the same conclusion as the submitted Heritage Impact Assessment, that there would be no detrimental impact on protected cathedral views, the setting of the Cathedral or the City Centre Conservation Area.

PCC Archaeological Officer

No objection - Given the high potential of the site, it is recommended that an evaluation by trial trenching is secured by condition. In compliance with NPPF and Peterborough Local Plan, the evaluation by trial trenching aims to gain information about the archaeological significance of the

proposed development site (including the presence or absence, character, extent, date, integrity, state of preservation and quality of known and/or potential heritage assets), in order to inform decisions and mitigate risk in the appropriate context of the proposed development, and to complement the programme of archaeological investigations carried out to date.

PCC Peterborough Highways Services

No fundamental objection subject to mitigation by way of upgrade/improvements to nearby road junctions.

The displacement of existing vehicles which use the Regional Pool car park would be accommodated within the temporary car park to the east. With respect to the submitted modelling, it is considered the amount of car journeys are higher than stated, however, subject to parking surveys it has been demonstrated that there would be capacity within the locality to cater for these journeys. The proposal would likely give rise to an increase in traffic within the locality during term time, therefore an off-site contribution/mitigation towards junction improvements of Bishops Road/Vineyard Road roundabout is sought to be secured by way of a legal agreement. The exact extent and details of the mitigation works is to be established following the submission of additional information, including evidence of further modelling and sensitivity testing to the satisfaction of the local highway authority.

Environment Agency

No objection

Lead Local Drainage Authority

No objection – The Flood Risk Assessment and Drainage Statement is acceptable. A condition is sought to mitigate surface water runoff during construction works.

PCC Pollution Team

No objection – Subject to conditions with respect to the control of external noise generated by mechanical plant, internal noise attenuation in the format of glazing and/or ventilation systems, the control of external lighting, the development shall be implemented in accordance with the submitted contaminated land assessment and the submission of an air quality assessment.

Natural England - Consultation Service

No objection

PCC Wildlife Officer

No objection - The proposed development is primarily on hard standing in an area of relatively high disturbance. As such similar to the previous phases the ecological constraints for the site are based around ensuring that there is no significant impact on the surrounding habitats.

The recommendations made within the Ecological Assessment would ensure that no new negative impacts will be created, ensuring an overall net positive to biodiversity due to this development.

The conditions outlined above have been given as to ensure that these recommendations are incorporated into the design of the development.

I am confident that the indicative landscaping plans will represent an overall net positive for biodiversity net gain compared to the current baseline.

PCC Tree Officer

No objection – Further to additional justification from the Agent, the loss of trees T.122 and T.124 are accepted, however, owing to the size of trees to be removed, a total of 9x compensatory trees would need to be secured by condition, which can form part of the landscaping plan condition. Given the situation, it is considered reasonable to plant suitable and appropriate tree species on the site frontage, to offer screening and also frontage enhancement.

Open Space Officer

No objection - The inclusion of a service yard enclosure on what is the entrance into the Athletics Track & current Regional Pool would detract from the natural façade at this significant point. This enclosure should be relocated to the south side of the building. Further, the development should existing landscaping at the front of the site, and SUDS features at the rear.

Police Architectural Liaison Officer (PALO)

No objection - This office has consulted with the Applicant and have produced a Security Needs Assessment (SNA) recommending security and crime prevention measures, which should be implemented.

Local Residents/Interested Parties

Initial consultations: 646

Total number of responses: 3

Total number of objections: 2

Total number in support: 1

Two letters of representation have been received raising the following concerns:

- Building on the existing car park doesn't make much sense. Where are the cars for the University and the Regional pool going to park now? The residents have already expressed their dislike of putting a car park where there is a lovely community park; and
- Many people will wish to keep the field as it is; locals may not know about the application or too scared to message, and those further afield may come to use the field to play football. Please place the building on the embankment, where there is loads of space. We need the field.

The third response relates to comments received from the Peterborough Civic Society, which has been summarised above.

5 Assessment of the planning issues

The main considerations are:

- Principle of development
- Design and impact upon the character and appearance of the surrounding area
- Heritage
- Access, parking and highway implications
- Drainage and flood risk
- Neighbour amenity
- Ecology and trees
- Contamination
- Air quality

a) Principle of development

The application site is located within the identified Riverside North Policy Area of the City Centre. Policy LP4 of the Peterborough Local Plan (2019) states that '...in principle, development proposals which directly assist in creating a thriving, independent, campus-based university, with an undergraduate population of 12,500 students by 2035 will be supported. A new university campus could be included within the Riverside North Policy Area...'.

Policy LP51 refers to the provision of some development within the Riverside North Policy Area including the provision of a University of Peterborough campus. Whilst it is noted that there is an indicated allocated area for the university within the Local Plan policies map, this is indicative only. The vision and intention of the policies for the Riverside North Policy Area seek the location of the University on the Bishops Road frontage/to the northernmost section of the area known as the Embankment. The application site for both elements of the proposal is situated along the northern

boundary of the Riverside North Policy Area, adjacent to Bishops Road. Therefore, the proposal is fully in line with this.

Furthermore, the proposal represents the effective reuse of previously developed, brownfield land with a high quality, landmark development. The proposal would continue the process of regenerating and enhancing this part of the City Centre, with a development of educational, economic and social benefit not just to the City but the wider area surrounding Peterborough.

In addition to the above, paragraph 96 of the National Planning Policy Framework (2021) advises that great weight should be afforded to the need to create new education facilities. The proposal represents the second phase in the creation of the University of Peterborough, and reinforces the anchor for a wider University campus. Such development would be to the significant benefit of the residents of Peterborough and its surroundings, delivering expansion of a new higher education facility which will directly encourage and promote economic development.

As such, the development is considered to be acceptable in principle, and in accordance with Policies LP4 and LP51 of the Local Plan (2019) subject to satisfactory assessment against the following matters.

b) Design and impact upon the character and appearance of the surrounding area

The proposed building would introduce an L-shaped building, with a two storey element fronting Bishops Road utilising a saw-tooth roof shape, and a two storey lab connected by a single storey link which extends south. The building has been designed taking into account Phases 1 and 2, for example, the pedestrian link which extends on an east/west axis between Phases 1 and 2, continues towards the Regional Pool, and a large courtyard and landscaped area would be created, framed by the proposed living lab. This would therefore retain the theme of a landscaped concourse, providing a soft, inviting and secure space for future users.

The design fronting Bishops Road would be more visually interesting owing to the roof design, however, would retain a mixture of materials, including cladding and glazing. Whilst final materials would be secured by condition, it is anticipated that these would be of a high quality palette to mirror and reflect those approved and to be used on the Phases 1 and 2 buildings.

It is considered that the overall scale, form and design of the Phase 3 building both reflects and respects the design approach of previous phases, and would enhance the appearance and visual amenity of the University campus. The proposal would not appear unduly dominant or obtrusive, and would further reinforce the stature of the University within the City. The soft landscaping proposed would continue the overall approach secured as part of the previous phases, acting both as an amenity tool, biodiversity enhancement and sustainable drainage system, and would aid in softening the appearance of the development within its surroundings

Overall, it is considered that the proposed design is of high quality that would enhance the site and its wider surroundings, in accordance with Policy LP16 of the Peterborough Local Plan (2019).

c) Heritage

Above ground heritage assets

The application site sits in the shadow and surroundings of the Grade I Listed Cathedral and its Precincts, which also contain Scheduled Ancient Monuments. In addition, it is sited in close proximity to the City Centre Conservation Area and the Grade II listed Lido. Therefore, whilst Phases 1 and 2 have since been occupied and approaching completion, the impact of the proposal upon the significance of these heritage assets is a key consideration.

Sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) require that special regard be paid to the desirability of protecting listed buildings and their settings, and also to the desirability of preserving or enhancing the character or appearance of conservation areas. This is further reinforced through the National Planning Policy Framework (2019) which states that great weight should be given to the conservation of heritage assets.

Significance is one of the guiding principles in relation to assessing the impact of proposals upon the historic environment, and is defined in the NPPF as 'the value of a heritage asset to this and future generations because of its heritage interest'. Such interest may be archaeological, architectural, artistic or historic, and it may derive not only from a heritage asset's physical presence, but also from its setting.

The Cathedral and its Precincts, form a place of exceptional architectural, archaeological and historic significance, and is a remarkably consistent work of 12th century architecture, including an especially important Nave ceiling of c.1220. Its prominence within the City, as one of the tallest structures, contributes to its significance, as do key views of it from surrounding vantage points. Two such points relate to the application site, both of which are the only views of the lesser seen east end. With regards to the Grade II listed Lido, its setting contributes to its significance, but this is largely in relation to the manicured gardens within its immediate environs, with mature treed shelterbelts forming a backdrop and physical separation

Historic England and the Gardens Trust are the statutory consultees in matters affecting heritage assets of the stature of the Cathedral, neither of which have raised any objections to the proposal, concluding that the proposed development would not cause harm to the setting of nearby designated heritage assets. Further to this and in similar vein, the Council's Conservation Officer raises no objection to the proposal.

Historic England has commented, advising the proposed scale, massing and detailed design would be complementary to the Phase 1 and Phase 2 buildings, and that the development would not cause harm to the significance of the grade I listed Peterborough Cathedral and Precinct as a result of the impact on their setting, including in protected views towards the east elevation of the Cathedral, which has fewer vantage points. The Council's Conservation Officer has also advised that whilst the proposal would be complimentary to the other two recently developed blocks of similarly contemporary design; the sawtooth roof structure would add a level of interest to the building and a positive gateway feature to the university campus.

Given the size, massing and character of Phases 1 and 2, and no objections from Historic England, the Gardens Trust or the Council's Conservation Officer, the impact on the setting of the Grade 1 cathedral, its registered parkland, and the City Conservation Area would be minimal, and therefore acceptable. Further, given the juxtaposition of the Lido to Phases 1 and 2, and Phase 3, it is considered that there is sufficient separation to the proposal with vegetation screening retained such that their development would not erode the Lido's setting, or compete with it in terms of architectural significance.

On this basis, it is considered that the proposal would preserve and result in no harm to the significance of the Cathedral and its Precincts, and the listed Lido, and no harm would result to the character or appearance of the City Centre Conservation Area.

In accordance with Paragraph 202 of the NPPF (2021), where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. As noted above, the level of harm is considered to be negligible, and in any case the public benefits of expanding the University would have significant public benefits, to both Peterborians and those further afield.

The proposal would ensure that the significance of nearby designated heritage assets is preserved and accordingly, the proposal is in accordance with Policy LP19 of the Peterborough Local Plan (2019) and Paragraphs 197, 199, 200 and 202 of the National Planning Policy Framework (2021).

Below ground heritage assets

The application has been accompanied by an Archaeological Desk Based assessment; previous

surveys for the application site and adjoining land has identified that the application site has a relatively high potential to contain significant archaeological remains, specifically, a possible hollow and a rectangular structure/cut feature, which may be associated with a 14th century monastic moated grange.

Based on the known information, the Councils Archaeologist has raised no objections subject to a condition being attached with respect to trial trenching being carried out by planning condition. Subject to the imposition of such a condition, the proposal would not harm any buried heritage assets of key importance, in accordance with Policy LP19 of the Peterborough Local Plan (2019) and Paragraph 195 of the National Planning Policy Framework (2021).

d) Access, parking and highway implications

Loss of Existing Car Parking

Phase 3 would be situated within the car park serving the Regional Pool, therefore the development would displace a number of car parking spaces which serve this established facility.

Earlier this year, planning permission was granted under App Ref: 22/00442/R3FUL to provide a temporary car park on land to the east, which would provide 128 parking spaces and would serve both the Regional Pool and Phase 2 university building. Whilst this car park was permitted on a temporary basis, this permission was required to ensure that the future development of the wider University campus was not prejudiced, and this car park would act as an interim measure until such time as the campus has a masterplan and parking demand for the University as a whole is considered.

For the avoidance of any doubt, this temporary car park superseded the need to provide a multi-story car park, which was secured as part of Phase 2 application (App Ref: 21/00287/R3FUL), and the relevant condition amended under 22/0068/WCPP.

Subject to the temporary car park being implemented, this would provide satisfactory parking provision for the Regional Pool and Phase 2 of the University, and it would prevent vehicles from parking in unsafe locations within the locality.

Proposed Development

The Local Highway Authority has raised no fundamental objections to the proposal subject to appropriate mitigation; this site is allocated for university development within the Local Plan and it has good sustainability credentials being located on the periphery of the City Centre, accessible by a variety of public transport means. Phase 1 has also secured bus stops on Bishops Road by way of a legal agreement, immediately in front of the Phase 1 building.

The Transport Assessment has assessed the existing routes to the site by walking and cycle modes and shown that there is existing infrastructure that could accommodate the needs of the future trips to the University by these modes. The assessment has reviewed available bus and rail access and it is agreed that the existing bus and rail services to the site would accommodate the needs of passenger transport users. It is noted that new bus stops are to be provided as part of the proposal for phase 1 of the University.

Previous application for Phases 1 and 2 of the University concentrate on a local catchment area for students, this being the city of Peterborough and surrounding areas. The Phase 3 application and associated Transport Assessment has extended the catchment area to consider the potential for students coming from further afield. This aligns with the University's aspiration to attract students from outside the Peterborough area, which include Fenland, Huntingdonshire, East Cambridgeshire, South Lincolnshire and East Northamptonshire areas.

Table 6.4 of the Transport Assessment shows that the census data has a higher car mode share than the predictions undertaken in the analysis at 57%, which was the car mode share utilised as part of the Phase 1 Transport Assessment. As part of this application for Phase 3, the Transport Assessment goes on to propose a 50% car mode share. Whilst it is agreed that the 2011 census

data is not likely to accurately represent current travel habits in terms of mode share, a review of the data available from the 2021 census data shows that nationally, the propensity for car trips will increase by distance, as such, it is therefore increasingly likely that the car mode share would be significantly higher than the 50% figure currently proposed.

As the Transport Assessment has used a 50% car mode share, it is considered that the stress tests have underestimated the actual car parking requirements of Phase 3, however, a survey of Peterborough car parks illustrate that there is significant spare capacity within the City, likely owing to changing habits associated with the Covid Pandemic, the spare capacity of which could be used by Students. In addition, there is existing unrestricted on-street capacity within walking distance of the site; it is therefore considered that there would be sufficient capacity within the locality to accommodate Phase 3 demand.

Given the submitted trip generation calculations, the impact of the additional car trips on the local highway network is likely to exceed that predicted in the modelling, although the precise impact could not be accurately measured without further modelling being carried out. Taking a pragmatic approach, it has been agreed to address the increase in vehicles using the highway network through mitigation and/or a contribution towards a committed scheme, which could be secured by way of a legal agreement.

The Council are currently undertaking a study into Transport issues in the Embankment and Fengate area of the City of Peterborough, which includes the University site. The study has identified pinch points on the network in the vicinity of the University and car parks that would be used by students. One of these is the Bishops Road/Vineyard Road mini roundabout which is located to the west of the University site. Given that this area is that which is most likely to be impacted by the addition car trips to the University it is recommended that the works proposed to this roundabout (understood to be signalisation and provision of pedestrian/cycle facilities) should form part of the mitigation for the University Phase 3 development.

The application site is allocated for University development within the Local Plan and is accessible by a variety of public transport means. It has been demonstrated that there is capacity to cater for students wishing to drive to the City within existing car parks. The development would however give rise to an increase in vehicles using the local highway network during term time, therefore, a condition securing a Travel Plan shall be attached, which would promote sustainable trips to the application site, which would be reviewed on a regular basis.

To mitigate any adverse highway impact on the highway itself, an off-site contribution / mitigation towards highway improvements would be secured by legal agreement. The Local Highway Authority have advised that the exact extent and details of the mitigation works would need to be established following the submission of additional information, including evidence of further modelling and sensitivity testing to the satisfaction of the local highway authority. The applicant has been advised of this and is now carrying out this work. Subject to these matters, the proposed development would not give rise to a severe impact on the highway network or an adverse highway safety hazard, and the proposal would accord with Policy LP13 of the Peterborough Local Plan (2019).

e) Drainage and flood risk

Surface water

The Lead Local Flood Authority (LLFA) has raised no objections to the proposal; this scheme follows the same principles as Phases 1 and 2, where Phase 3 would incorporate a green roof element above the single storey link and the 'living lab'. Thereafter, any surface water would discharge into a series of swales/basins located to the south and west of the site, before entering the Anglian Water sewer via a flow control unit. This is a continuation of the Phase 1 and 2 drainage strategy, albeit they are not linked systems. Surface water from hardstanding areas would flow into raingardens and tree pits prior to entering the main drainage and attenuation system, and the small car parking areas and access roads adjoining the building are proposed to be formed of porous construction.

It is proposed that the eventual rate of discharge into the Anglian Water sewer would be no greater than greenfield run-off rate (including a 1 in 100 year flood event plus climate change). Anglian Water have responded with no objections, and have sought that the Flood Risk Assessment and sustainable drainage system be secured by planning condition(s). A condition has also been sought with respect to managing surface water run-off during construction works.

Foul water

As per previous phases, it is proposed for foul drainage to be disposed of via a dedicated below ground piped network, which would subsequently discharge into the Anglian Water sewerage system. Anglian Water have confirmed that there is adequate capacity in the sewerage system and wastewater treatment plant.

Further to final comments from the LLFA, it is considered that drainage from the site would be adequately managed such that no increased flood risk either on- or off-site would result. The proposal would therefore in accordance with Policy LP32 of the Peterborough Local Plan (2019), paragraphs 167 and 169 of the National Planning Policy Framework (2021) and the Peterborough Flood and Water Management SPD (2019).

f) Neighbour amenity

The proposed building would stand at two storey in height, however given the relationship of the proposed building to neighbouring properties it is not considered that the proposal would result in an unacceptably adverse overbearing impact, or result in an adverse loss of light, outlook or privacy, as such the relationship to neighbouring properties is considered to be acceptable in this instance.

The site would be served by an on-site car park, the site would attract a number of students on a week day, and it is recognised that the site would be served by service vehicles, however, given the relationship of the development site to neighbouring properties, the frequency of visits associated with the proposed development and given its current use as a public car park, it is not considered the use of the site would result in unacceptably adverse levels of noise or disruption which would unacceptably harm the amenity of neighbouring properties.

The proposed university building would provide good levels of natural light to principal spaces and would be served by good levels of natural green space. There are no adjoining land uses which would result in high levels of noise or disruption, and it is considered future occupiers/users would be afforded satisfactory amenity.

The Councils Pollution Control Officer has raised no objections to the proposal, subject to maximum noise levels of external plant and mitigating sky glow associated with external lighting (Zone E3 of the ILE Guidance).

Conditions shall be appended with respect to setting out maximum noise levels omitted from the site and external lighting; subject to these conditions the proposal would not result in unacceptably adverse harm to neighbouring amenity and satisfactory amenity would be provided for future occupiers, in accordance with Policy LP17 of the Peterborough Local Plan (2019).

g) Ecology and trees

Wildlife

The application has been accompanied by an Ecological Assessment and a Bat Survey Report, and neither Natural England nor the Council's Wildlife Officer have raised objections to the proposal.

The application site lies in close proximity to, and within the Impact Risk Zone, of the Nene Washes SSSI/SPA/SAC/Ramsar site which is of international importance owing to its qualifying species (over wintering birds). Natural England have confirmed that the proposal would not have an undue impact upon this important site.

Turning to habitat impacts, the site as a whole is predominantly formed by previously developed brownfield land that was formerly/currently in use as surface parking. There are however mature shelterbelts and open space surrounding these areas which are of rich habitat potential.

With respect to bats, the ground level bat roost assessment identified several trees within the woodland immediately to the south of the application site as having low bat roost suitability (BRS), though this assessment was primarily made on a precautionary basis, due to the presence of ivy, which could have obscured suitable roosting features from the assessment. In addition, two trees with moderate BRS were identified within the woodland, which had features such as woodpecker holes, loose bark and crevices. These trees were located approximately eight metres into the woodland and were screened from the car park by young and mature trees. The majority of the features with BRS faced away from the car park, providing further protection. Given the above, and the fact that these trees will be retained and protected during the construction and operational phases of the proposed development, impacts to roosting bats are not anticipated.

The proposals have the potential to result in increased lighting of semi-natural habitats, such as the treeline to the east of the car park and the woodland to the south. A sensitive light scheme will therefore be implemented to minimise light spill on these habitats.

Bat enhancement has been suggested in the form of bat boxes, mitigating lighting, and improving quality and connectivity of foraging routes.

With respect to badgers, no evidence of badger setts within the application site or surroundings were identified during the site visits in January 2021, March 2021 and July 2022. Given this, and the levels of human activity (construction) within the area, it is considered unlikely that badgers will establish setts within the near future. Notwithstanding this however, mitigation in the form of topsoil storage, excavation and escape routes, and the storage of chemicals.

The site has potential for hedgehogs, therefore mitigation proposed to retain connectivity and permeability across the site, and the clearance of habitat by hand (log piles, leaf litter etc.). Appropriate mitigation for birds and invertebrates have also been set out within the Ecological Mitigation Assessment.

The Council's Wildlife Officer has raised no objections to the contents or mitigation measures proposed, and has requested a number of conditions relating to ecological protection. The other conditions proposed by the Wildlife Officer (biodiversity enhancement scheme, lighting design and badger surveys) are considered necessary and appropriate.

Subject to the imposition of such conditions, it is considered that the proposal would not result in unacceptable impact to species of principal importance, and would secure overall biodiversity gain. The proposal is therefore in accordance with Policies LP22 and LP28 of the Peterborough Local Plan (2019) and the Peterborough Green Infrastructure and Biodiversity SPD (2019).

Trees

To facilitate development the proposal would require the removal of two category B trees and one category C trees (T118, T119 and T122). These trees are situated at the front of the site, however, their loss has been substantiated and mitigation in the form of 9x compensatory trees would be secured by condition, as part of the wider comprehensive landscaping scheme. Given the situation, it is considered reasonable to plant suitable and appropriate tree species on the site frontage, which could be compatible with the sustained urban drainage scheme, to offer screening and also frontage enhancement.

It should be emphasised that this application would form a comprehensive redevelopment of an established car park; the scheme would continue the theme of soft landscaping from Phase 1 and 2, and would therefore result in an overall biodiversity net gain.

Subject to securing a comprehensive landscaping scheme, the proposal would make provision for the loss of three frontage trees, and would enhance the biodiversity value of the site, in accordance with Policies LP22 and LP28 of the Peterborough Local Plan (2019).

h) Contamination

The application has been accompanied by a Phase 1 and Phase 2 Contaminated Land Assessment, the report of which concludes that made ground would be considered acceptable for re-use at the surface in a commercial/industrial setting, apart from one test pit BH3. Remediation should only be carried out in the within landscaped areas in the vicinity of the 'hotspot' in BH 3, where soil would be exposed at the surface, and would involve the removal of the made ground and replacement with a suitably thick cover or barrier layer in order to break the pathway between the underlying made ground and the site users.

Except for BH3, the risk of the encountered ground contamination affecting site users when present beneath buildings and permanent areas of hardstanding would be considered to be very low and consequently no formal scheme of remediation is proposed for such areas.

For soil gases the report concludes, the gas monitoring undertaken determined that a Characteristic Situation 1 would apply. However, due to the elevated methane (>1.0%) carbon dioxide (>5.0%) results and the history of the site, it would be considered advisable to increase the risk classification and the characteristic situation to a Characteristic Situation 2'.

This conclusion is accepted, basic gas protection measures (as a minimum, a well-constructed concrete floor slab with a gas resistant membrane) would need to be installed and validated, this could be secured via condition. If further monitoring is undertaken and a revised risk rating generated, then this may not be necessary.

Subject to conditions being appended requiring the development to be implemented in accordance with the submitted Contaminated Land assessment, and conditions being appended with respect to the submission of reporting/validation and uncovering unsuspected contamination, the development would make provision for future users and contaminated land, in accordance with Policy LP17 and LP33 of the Peterborough Local Plan (2019) and Paragraph 183-185 of the NPPF (2021).

i) Air quality

Owing to the size of the development proposed (in terms of the number of vehicle movements to/from the site, air quality is a matter which must be considered. As part of Phase 2, this application was accompanied by an Air Quality Assessment, however, it was concluded by the Councils Pollution Control Officer that the overall impact of Phase 1 and 2 in cumulation would not likely be significant, and any mitigation, such as physical, financial or administrative measures, could be secured by planning condition.

The Councils Pollution Control Officer has raised no objections to the proposal, and has sought a similar approach be undertaken, given that the proposal would for all intents and purposes be an extension of Phases 1 and 2. Subject to securing an Air Quality Assessment which would consider the cumulative impact of Phases 1 and 2 by way of condition, the proposal would not result in unacceptable harm to the amenities of nearby residents through air quality impact, in accordance with Policy LP17 of the Peterborough Local Plan (2019) and paragraph 185 of the National Planning Policy Framework (2021).

j) Other Matters

Two letters of representation have been received raising the following matters, which have not been address above:

- Building on the existing car park doesn't make much sense. Where are the cars for the University and the Regional pool going to park now? The residents have already expressed their dislike of putting a car park where there is a lovely community park.

Officer Response: The Phase 3 building would be constructed on an existing car park, therefore it

is for all intents and purposes a brownfield site, local and national policy of which support.

Officers are unclear whether this concern relates to the multi-storey car park which formed part of the Phase 2 scheme, which is unlikely to come forward, or the temporary car park further to the east, which is a temporary stop gap in anticipation of Phase 4 of the university development site. Should Phase 4 be forthcoming, this would need to provide a comprehensive, permanent car parking solution.

- Many people will wish to keep the field as it is; locals may not know about the application or too scared to message, and those further afield may come to use the field to play football. Please place the building on the embankment, where there is loads of space. We need the field.

Officer Response: The application has been advertised in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended), as well as the Councils Statement of Community Involvement. A Total of 646 letters have been sent, and 2x site notices posted adjacent to the application site.

Secondly, this application does not propose to lose any playing field; it is the redevelopment of an existing car park.

6 Conclusions

Subject to the imposition of the attached conditions, the proposal is acceptable having been assessed in the light of all material considerations, including weighing against relevant policies of the development plan and specifically:

- the proposal represents the next phase of the development of the University of Peterborough and would be sited on land which is in line with the vision for the Riverside North Policy Area. As such, the principle of development is considered to be acceptable in accordance with Policies LP4 and LP51 of the Local Plan (2019);
- the application scheme would result in enhanced educational offer associated with the newly created University of Peterborough, which should be afforded great weight in decision-making, in accordance with paragraph 96 of the National Planning Policy Framework (2021);
- the proposed design is considered to be of high quality that would enhance the site and its wider surroundings, in accordance with Policy LP16 of the Peterborough Local Plan (2019);
- the proposal would ensure that the significance of nearby designated heritage assets are preserved and accordingly, the proposal is in accordance with Policy LP19 of the Peterborough Local Plan (2019) and paragraphs 200 and 202 of the National Planning Policy Framework (2021);
- no harm to any buried heritage assets of key importance would result, in accordance with Policy LP19 of the Peterborough Local Plan (2019)
- the proposal would not result in a severe impact to the capacity of the surrounding public highway network, safe access would be afforded to all users, and adequate parking provision would be made to meet the demands arising from the Phase 3 development, in accordance with Policy LP13 of the Peterborough Local Plan (2019) and paragraph 111 of the National Planning Policy Framework (2021);
- drainage from the site would be adequately managed such that no increased flood risk either on- or off-site would result, in accordance with Policy LP32 of the Peterborough Local Plan (2019), paragraphs 159 and 167 of the National Planning Policy Framework (2021) and the Peterborough Flood and Water Management SPD (2019);
- an unacceptable level of harm would not result to the amenities of neighbouring occupants, in accordance with Policy LP17 of the Peterborough Local Plan (2019);
- the proposal would not result in unacceptable impact to species of principal importance and would secure overall biodiversity gain, in accordance with Policies LP22 and LP28 of the Peterborough Local Plan (2019), paragraphs 98 and 99 of the National Planning Policy Framework (2021) and the Peterborough Green Infrastructure and Biodiversity SPD(2019);
- the proposal would ensure that trees of key amenity value to the surrounding area are protected, and that overall enhancement to the landscape quality of the area is secured, in accordance with

Policy LP29 of the Peterborough Local Plan (2019);

- the proposal would not pose an unacceptable risk to human health or controlled waters through contamination, in accordance with Policy LP33 of the Peterborough Local Plan (2019) and paragraph 183-185 of the National Planning Policy Framework (2021); and
- the proposal would not result in unacceptable harm to the air quality of the surrounding area, in accordance with Policy LP17 of the Peterborough Local Plan (2019) and paragraph 185 of the National Planning Policy Framework (2021).

7 Recommendation

The case officer recommends to the Planning and Environmental Protection Committee that Planning Permission (Regulation 3) is **GRANTED** subject to the following conditions:

- C 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In accordance with Section 91 of the Town and Country Planning Act 1990 (as amended).

- C 2 The development hereby permitted shall be carried out in accordance with the following drawings:

- Proposed Site Plan (drawing number UOP003-MCW-ZZ-00-DR-A-0101-S2-P03);
- Proposed Ground Floor Plan (drawing number UOP003-MCW-ZZ-00-DR-A-0110-S2-P07);
- Proposed First Floor Plan (drawing number UOP003-MCW-ZZ-01-DR-A-0111-S2-P06);
- Proposed Roof Plan (drawing number UOP003-MCW-ZZ-R1-DR-A-0112-S2-P05);
- Proposed North Elevation (drawing number UOP003-MCW-ZZ-XX-DR-A-0130-S2-P04);
- Proposed East Elevation (drawing number UOP003-MCW-ZZ-XX-DR-A-0132-S2-P05);
- Proposed South Elevation (drawing number UOP003-MCW-ZZ-XX-DR-A-0131-S2-P05);
- Proposed West Elevation (drawing UOP003-MCW-ZZ-XX-DR-A-0133-S2-P05);
- Proposed Section AA (drawing number UOP003-MCW-ZZ-XX-DR-A-0150-S2-P03);
- Proposed Section BB (drawing number UOP003-MCW-ZZ-XX-DR-A-0151-S2-P04);
- Proposed Section CC (drawing number UOP003-MCW-ZZ-XX-DR-A-0152-S2-P04);
- Proposed Section DD (drawing number UOP003-MCW-ZZ-XX-DR-A-0153-S2-P05);
- Proposed Section EE (drawing number UOP003-MCW-ZZ-XX-DR-A-0154-S2-P05);
- Proposed Service Yard Enclosure (drawing number UOP003-MCW-ZZ-00-DR-A-2112-S2-P03)
- Existing Site Plan (drawing number UOP003-MCW-ZZ-00-DR-A-9901-S2-P04).

Reason: For the avoidance of doubt and in the interests of proper planning.

- C 3 Prior to their installation, details of all external materials to be used on the building hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. The details submitted for approval shall include the name of the manufacturer, the product type, colour (using BS4800) and reference number. The development shall not be carried out except in accordance with the approved details.

Reason: For the Local Planning Authority to ensure a satisfactory external appearance, in accordance with Policies LP16 and LP19 of the Peterborough Local Plan (2019).

- C 4 Notwithstanding the submitted information, no land raising, with the exception of that associated with landscaping, is permitted and the finished floor levels of the development shall be no more than 300mm above existing ground levels.

Reason: In order to protect and safeguard the amenities of the surrounding area, in accordance with Policies LP16 and LP19 of the Peterborough Local Plan (2019).

- C 5 All vehicles leaving the site during the period of construction shall pass through wheel cleaning equipment and enter the public highway in a clean condition, free of any debris or slurry which could fall onto the public highway. The wheel cleaning equipment shall be retained on site in full working order throughout the duration of construction works.

Reason: In the interests of highway safety, in accordance with Policy LP13 of the Peterborough Local Plan (2019).

- C 6 Prior to first use of the building hereby permitted, the areas shown on drawing number UOP003-MCW-ZZ-00-DR-A-0101-S2-P03 (Proposed Site Plan) for the purposes of the access, parking and turning of vehicles, shall be laid out, surfaced and made available for use. Thereafter, those areas shall not be used for any purpose other than the access, parking and turning of vehicles in connection with the use of the University and/or development hereby permitted.

Reason: To ensure the development is provided with satisfactory access, parking and turning in the interests of highway safety, in accordance with Policy LP13 of the Peterborough Local Plan (2019).

- C 7 Prior to first use of the development by students, a parking management plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include, where applicable:

- Measures for the control and limitation of car park usage;
- Allocation and demarcation of parking bays for each user type (staff, students and visitors);
- Allocation and demarcation of electric vehicle charging points;
- A Charging regime;
- Methods of payment, ticketing and/or permits; and
- Method of securing the site out of hours.

The approved parking management plan shall be implemented in full prior to first use of the development by students. It shall thereafter be maintained in perpetuity.

Reason: In order to control the demand for on-site parking which is limited and in the interests of highway safety, in accordance with Policy LP13 of the Peterborough Local Plan (2019).

- C 8 Notwithstanding the submitted details and prior to first occupation of the development hereby permitted, a cycle parking scheme for 80 bicycles shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be based upon the cycle parking locations shown on drawing number UOP003-MCW-ZZ-00-DR-A-0101-S2-P03 and include:

- the design of secure cycle shelters; and
- a timetable for the provision of the cycle parking.

The cycle parking shall be implemented in accordance with the approved scheme, including the timetable contained therein. Thereafter, the cycle parking shall be retained in perpetuity.

Reason: In the interest of ensuring that the site is served by sufficient cycle parking and to promote more sustainable methods of travel to/from the site, in accordance with Policy LP13 of the Peterborough Local Plan (2019).

- C9 The initiatives and action plan to reduce travel by private motor vehicle set out within the submitted 'Framework Travel Plan' (reference UOP0002-TTC-ZZ-XX-RP-T-0002-S4-P02 Revision P03) shall be implemented in accordance with the timetable contained therein. Thereafter, the Travel Plan shall be monitored and updated in accordance with the details set out in the Framework Travel Plan.

Reason: To reduce travel to/from the site by private motor vehicle, reduce demand upon city centre parking and encourage more sustainable methods of travel, in accordance with Policy LP13 of the Peterborough Local Plan (2019).

- C10 The development hereby permitted shall not be occupied unless and until the sustainable drainage scheme for the site has been completed in accordance with the following:

- Flood Risk and Drainage Strategy Report (Smith and Wallwork Engineers, reference 000304-SAW-ZZ-ZZ-RP-S-0004 S2, dated 15 September 2022);
- Proposed Roof Plan (drawing number UOP003-MCW-ZZ-R1-DR-A-0112-S2-P05); and
- Below Ground Foul and Surface Water Layout (Site Wide) (drawing number 0304/SAW/ZZ/ZZ/DR/C/0100/S2/P05 (Below Ground Surface Water Drainage Layout).

Thereafter, the sustainable drainage scheme shall be managed and maintained in accordance with the submitted 'Foul and Surface Water Drainage Operation and Maintenance Document' (Appendix H, Smith and Wallwork Engineers, reference 000304-SAW-ZZ-ZZ-RP-S-0004 S2, dated 15 September 2022) in perpetuity.

Reason: To ensure that the proposed development can be adequately drained and to ensure that there is no flood risk on or off the site resulting from the proposed development, in accordance with Policy LP32 of the Peterborough Local Plan (2019) and the Peterborough Flood and Water Management SPD (2019).

- C11 The development hereby permitted shall be carried out in strict accordance with the submitted 'Arboricultural Impact Assessment and Method Statement' (Cantia Arboricultural Services reference CAS/2022/164) including drawing number CAS/2022/164 'Tree Protection Plan' and correspondence between Pegasus Group dated 10th November 2022.

Reason: In order to protect and safeguard the amenities of the area and ensure that trees of key amenity value are preserved, in accordance with Policies LP16 and LP29 of the Peterborough Local Plan (2019).

- C12 (a) Notwithstanding the submitted details and prior to first occupation of the development hereby permitted, a scheme for the hard and soft landscaping of the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the following:

- i) Planting plans including retained trees, species, numbers, size and density of planting;
- ii) All boundary treatments which, if impenetrable, must include adequately sized gaps for the movement of hedgehogs at a spacing of 10 metre intervals;
- iii) Surfacing of all access, parking and vehicle turning areas;
- iv) Surfacing of all pedestrian access and circulation areas;
- v) Street furniture; and

vi) Closed circuit television (CCTV) provision.

The approved hard landscaping scheme (boundary treatments, surfacing, street furniture and CCTV) shall be carried out in full prior to first occupation of the development.

The soft landscaping (planting) shall be carried out no later than the first available planting season following first occupation of the development, or alternatively in accordance with a timetable for landscape implementation which has first been submitted to and approved in writing by the Local Planning Authority.

(b) Any trees, shrubs or hedges forming part of the approved landscaping scheme that die, are removed or become diseased within five years of the implementation of the landscaping scheme shall be replaced during the next available planting season by the developers, or their successors in title with an equivalent size, number and species to those being replaced. Any replacement trees, shrubs or hedgerows dying within five years of planting shall themselves be replaced with an equivalent size, number and species.

Reason: In the interests of the visual amenity and security of the surrounding area, mitigation of the tree removal permitted and the enhancement of biodiversity, in accordance with Policies LP16, LP19, LP28 and LP29 of the Peterborough Local Plan (2019) and the Peterborough Green Infrastructure and Biodiversity SPD (2019).

- C13 Prior to first occupation of the development hereby permitted, a scheme for the external lighting of the site shall be submitted to and approved in writing by the Local Planning Authority. The lighting shall not exceed the obtrusive light limits specified in environmental zone E3 of the Institution of Lighting Professionals document 'Guidance Notes for the Reduction of Obtrusive Light: Guidance Note 01:20'.

In the event of any reasonable light pollution complaint being received by the Local Planning Authority, the Developer or their successors in Title, shall be required to undertake a full lighting assessment to demonstrate compliance with the above limits and submit this within 28 days of notice issued by the Local Planning Authority. Should such an assessment fail to demonstrate compliance, further mitigation measures shall be submitted alongside the light assessment and implemented in accordance with the submitted details within 28 days of approval by the Local Planning Authority.

Reason: To ensure no unacceptable harm results from external lighting upon neighbouring residential properties or protected species and habitat which surround the site, in accordance with Policies LP17, LP22 and LP28 of the Peterborough Local Plan (2019) and the Peterborough Green Infrastructure and Biodiversity SPD (2019).

- C14 No development shall take place (including demolition, ground works, vegetation clearance) unless and until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following:

- a) Summary of potentially damaging activities.
- b) Identification of "biodiversity protection zones".
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction on possible protected species that may use the habitat (may be provided as a set of method statements) including ensuring no Non-Native Invasive Species are spread across the site.
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.

- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: In the interest of preserving and enhancing the biodiversity value of the site, in accordance with Policy LP28 of the Peterborough Local Plan (2019).

- C15 The development hereby permitted shall be carried out in strict accordance with the submitted Phase 2 Contamination Assessment Report (Ground Engineering, reference C15669, dated August 2022), in particular soil remediation in the vicinity of BH 3, a 'hotspot' of dibenzo[a,h]anthracene, and the soil gas mitigation which requires the use of a well-constructed concrete floor and gas resistant membrane. The mitigation measures shall thereafter be retained and maintained in perpetuity .

Upon completion of mitigation, a copy of a closure report shall be submitted to the Local Planning Authority. The report shall provide verification that the required works regarding contamination have been carried out in accordance with the submitted Phase 2 Contamination Assessment Report (Ground Engineering, reference C15669, dated August 2022), results of all post-remediation sampling and monitoring , and a validation report that demonstrates the effectiveness of the remediation carried out.

Reason: To ensure potential risks arising from previous site uses have been fully assessed in accordance with Paragraphs 183-185 of the NPPF (2021) and Policy LP33 of the Peterborough Local Plan (2019)

- C16 If, during development, contamination not previously considered is identified, then the Local Planning Authority shall be notified immediately and no further work shall be carried out until a method statement detailing a scheme for dealing with the suspect contamination has been submitted to and agreed in writing with the Local Planning Authority. The development shall thereafter not be carried out except in complete accordance with the approved scheme.

Reason: To ensure all contamination within the site is dealt with such that no risk to human health or controlled waters results, in accordance Policy LP33 of the Peterborough Local Plan (2019) and paragraphs 178-180 of the National Planning Policy Framework (2019).

- C17 The rating level of noise emitted from any external plant/machinery shall not exceed 41dB LAeq(t) during daytime hours (07:00hr to 23.00hrs) and 33dB LAeq(t) at any other time. The noise levels shall be determined at the nearest noise sensitive premises, and in accordance with British Standard 4142:2014 'Methods for rating and assessing industrial and commercial sound' (or any Standard replacing that Standard in part or whole, and with or without modification).

A relaxation of +10 dB LAeq above these criteria is allowed for the operation of the emergency generator for a period of no more than 48 hours.

In the event of any reasonable noise complaint being received by the Local Planning Authority , the Developer or their successors in Title, shall be required to undertake a full noise assessment to demonstrate compliance with the above noise limit and submit this within 28 days of notice issued by the Local Planning Authority . Should such an assessment fail to demonstrate compliance, further mitigation measures shall be submitted

alongside the noise assessment and implemented in accordance with the submitted details within 28 days of approval by the Local Planning Authority.

Reason: In the interest of protecting the amenity of neighbour occupiers, in accordance with Policy LP17 of the Peterborough Local Plan (2019) and Paragraph 185 of the NPPF (2021).

C18 Prior to the occupation of the development hereby permitted, the following manufacturer details of any external plant shall be submitted to and approved in writing by the Local Planning Authority:

- operating hours;
- location within the site or on the building;
- sound power level(s);
- frequency spectrum;
- impact upon the cumulative noise level at the nearest noise sensitive receptor (residential property); and
- where necessary , attenuation/mitigation measures.

The cumulative noise levels from the plant shall not exceed the limit detailed in the above condition, noise levels shall be determined in accordance with British Standard 4142:2014 'Methods for rating and assessing industrial and commercial sound' (or any Standard replacing that Standard in part or whole, and with or without modification).

The mechanical plant shall be installed in accordance with the approved details and thereafter maintained and retained as such in perpetuity

Reason: In the interest of protecting the amenity of neighbour occupiers, in accordance with Policy LP17 of the Peterborough Local Plan (2019) and Paragraph 185 of the NPPF (2021).

C19 There shall be no above ground development unless and until a glazing and ventilation scheme has been submitted to and approved in writing by the Local Planning Authority . The scheme shall be developed in accordance with specifications detailed in Anderson Acoustic noise report ref 5726_003R_2-0_MR 20 September 2022, ensuring that indoor ambient noise levels (IANLs) are in accordance with criteria included in Acoustic design of schools: performance standards Building bulletin 93. Thereafter the development shall be implemented in accordance with the approved details, prior to the occupation of any unit to which it relates and shall thereafter be retained and maintained as such in perpetuity

Reason: To ensure that the future occupiers of the development are not subject to unacceptable noise disturbance, in accordance with Policy LP17 of the Peterborough Local Plan (2019) and paragraph 185 of the National Planning Policy Framework (2021).

C20 The rating level of noise emitted from any external plant/machinery (such as air conditioning units) shall not exceed the cumulative limits of 49dB LAeq (1hr) between 07.00hrs and 23.00hrs and 35dB LAeq (15mins) at all other times. The noise levels shall be determined at the nearest noise sensitive premises, and in accordance with British Standard 4142:2014 'Methods for rating and assessing industrial and commercial sound' (or any Standard replacing that Standard in part or whole, and with or without modification).

A relaxation of +10 dB LAeq above these criteria is allowed for the operation of the emergency generator for a period of no more than 48 hours.

In the event of any reasonable noise complaint being received by the Local Planning Authority, the Developer or their successors in Title, shall be required to undertake a full noise assessment to demonstrate compliance with the above noise limit and submit this

within 28 days of notice issued by the Local Planning Authority. Should such an assessment fail to demonstrate compliance, further mitigation measures shall be submitted alongside the noise assessment and implemented in accordance with the submitted details within 28 days of approval by the Local Planning Authority.

Reason: In the interests of preserving the amenities of neighbouring occupants, in accordance with Policy LP17 of the Peterborough Local Plan (2019) and paragraph 180 of the National Planning Policy Framework (2019).

C21 Prior to the installation and use of any mechanical plant, the following details shall be submitted to and approved in writing by the Local Planning Authority:

- operating hours;
- location within the site or on the building;
- sound power level(s);
- frequency spectrum;
- impact upon the cumulative noise level at the nearest noise sensitive receptor (residential property); and
- where necessary, attenuation/mitigation measures.

The noise levels shall be determined in accordance with British Standard 4142:2014 'Methods for rating and assessing industrial and commercial sound' (or any Standard replacing that Standard in part or whole, and with or without modification).

The mechanical plant shall be installed in accordance with the approved details and thereafter maintained and retained as such in perpetuity.

Reason: In the interests of preserving the amenities of neighbouring occupants, in accordance with Policy LP17 of the Peterborough Local Plan (2019).

C22 The development hereby permitted shall be used as a research and development facility and/or a higher education University and associated ancillary functions only within Classes E(g) of Part A and F.1(a) of Part B of Schedule 2 of the Town and Country Planning (Use Classes) Order 1987 (or any provision equivalent to that class in any statutory instrument revoking and re-enacting that Order with or without modification) only, and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any statutory instrument or Order revoking and re-enacting that Order with or without modification).

Reason: The development has only been considered acceptable in light of the specific uses proposed and further assessment would be required should the use alter.

C23 Prior to the first occupation of the development hereby permitted, an air quality assessment shall be submitted to and approved in writing by the Local Planning Authority. The report shall include the following information:

- report on the air quality impacts of each individual phase of the University and the cumulative impacts of all of the phases in the development which have been granted planning permission; and
- where necessary, set out appropriate mitigation measures (whether physical or administrative).

The assessment shall be completed in accordance with Environmental Protection UK (EPUK) and the Institute of Air Quality Management (IAQM) Land-use Planning and

Development Control: Planning for Air Quality.

The development shall be carried out in accordance with the approved air quality assessment and any mitigation measures contained therein shall be implemented in full prior to first use of the development.

Reason: To ensure that no unacceptable impact to the amenities of neighbouring residential occupants occurs by way of harmful air quality impacts, in accordance with Policy LP17 of the Peterborough Local Plan (2019) and paragraph 185 of the National Planning Policy Framework (2021).

- C24 The development hereby permitted shall be carried out in strict accordance with the submitted Construction Management Plan - Phase 3 (Mace, September 2022).

Reason: In the interest of protecting neighbour amenity and highway safety, in accordance with Policies LP13 and LP17 of the Peterborough Local Plan (2019).

- C25 Prior to commencement of development a surface water mitigation and management scheme for the control of water during construction shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved document and shall be retained and maintained throughout construction works.

Reason: In the interest of preventing surface water run-off and off-site flooding during construction, in accordance with Policy LP13, LP16, LP28 and LP32 of the Peterborough Local Plan (2019).

Copies to Councillors- Councillor Amjad Iqbal
Councillor Mohammed Jamil
Councillor Alison Jones

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PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE	AGENDA ITEM NO. 6
13 December 2022	PUBLIC REPORT

Cabinet Members responsible:	Councillor Cereste - Cabinet Member for Climate Change, Planning, Housing and Transport	
Contact Officer:	Sylvia Bland (Acting Head of Development Management)	Tel: 07920 160772

PLANNING APPEALS QUARTERLY REPORT ON PERFORMANCE JULY TO SEPTEMBER 2022

RECOMMENDATIONS	
FROM: Executive Director: Place and Economy	Deadline date: December 2022
It is recommended that the Committee:	
1. Notes past performance and outcomes.	

1. PURPOSE AND REASON FOR REPORT

- 1.1 The Government monitors the performance of local planning authorities in deciding applications for planning permission. This is based on their performance in respect of the speed and quality of their decisions on applications for major and non-major development.
- 1.2 Where an authority is designated as underperforming, the Town and Country Planning Act 1990 (as amended) affords applicants the option of submitting their planning applications (and connected applications) directly to the Planning Inspectorate (who act on behalf of the Secretary of State) for determination.
- 1.3 This report focuses on just the performance of Peterborough City Council in regard to the quality of its decisions on planning applications. It is useful for Committee to look at the Planning Service's appeals performance and identify if there are any lessons to be learnt from the decisions made. This will help inform future decisions and potentially reduce costs.
- 1.4 This report is presented under the terms of the Council's constitution Part 3 Section 2 – Regulatory Committee Functions, paragraph 2.6.2.6.
- 1.5 This report covers the period from 1 July 2022 to 30 September 2022, and a list of all appeal decisions received can be found at Appendix 1.
- 1.6 For the purposes of 'lesson learning', these update reports will normally cover a selected number of cases in detail whereby the Local Planning Authority (LPA) has lost its case. Attention will be paid to the difference in assessment of the selected schemes between the LPA and Planning Inspector.

2. TIMESCALE.

Is this a Major Policy Item/Statutory Plan?	NO	If Yes, date for relevant Cabinet Meeting	N/A
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3. MAIN BODY OF REPORT

- 3.1 In the period of 1 July to 30 September 2022, a total of 9 appeal decisions were issued. This number is similar to the corresponding periods in 2020 and 2021.
- 3.2 Of the planning application decisions appealed during this quarter, 6 resulted from Officer delegated decisions with 3 resulting from a decision of this Committee. Of the latter, one decision was in accordance with officer recommendation while two were Member overturns of the officer recommendation. Of these, the Inspector agreed with Committee on one appeal and not on the other. This is not unusual given the relatively low number of applications which are referred for determination by Members.
- 3.3 Of the 9 appeal decisions issued:
- 1 appeal was withdrawn as the Inspector found no legal basis for the appeal
 - 3 Committee decisions resulted in the Inspector agreeing with the Committee decision on two appeals.
 - 5 Delegated decisions resulted in the Inspector agreeing with the Officer decision on four appeals.
 - In total, 3 appeals were allowed.

Therefore, the percentage of appeal dismissals for this quarter stood at (66%) with allowed (33%). None of the decisions were subject to an award of costs either for, or against, the Council.

- 3.4 This represents a similar level of performance when compared to previous quarters during the preceding 2 year period, as shown in the following table. However it is akin to the overall average during that period, thereby identifying a relatively consistent quality of decision-making.

	Appeals decided	Appeals Allowed	% Allowed
Oct - Dec 2020	6	2	33 %
Jan - Mar 2021	8	1	13 %
Apr - Jun 2021	3	1	33 %
Jul - Sep 2021	3	1	33 %
Oct - Dec 2021	8	3	37.5 %
Jan - Mar 2022	8	2	25 %
Apr – Jun 2022	8	1	13%
Jul – Sept 2022	9	3	33%
TOTAL	53	13	23 %

- 3.5 With regards to the measure against with the Government assesses appeal performance, this is calculated based upon the number of appeals lost (allowed against the Authority's decision) as a percentage of the total number of decisions made by the authority. The Government has set the target at no more than 10% across a rolling 2-year period.
- 3.6 The table provided at Appendix 2 sets out the performance of the Council against the Government target between October 2020 and September 2022 (inclusive). As can be seen, the Council is performing far below the threshold set by Government for both major (0%) and non-major (0.77%) applications and as such, this does not pose any concerns in terms of the quality of planning decisions being issued.

3.7 Turning to any lesson-learning from specific appeal decisions, the appeal at Loves Lane, Sutton for a footpath/cycle was allowed by the Inspector contrary to the Committee decision (Appendix 3). The Inspector placed weight on the safeguarding of the route in the Local Plan and found that the proposals would not affect the character or appearance of the area or cause significant issues of visitors, vehicles or parking the village. He noted that it is not unusual for a village to have a layout with tight bends. The behaviour and speed of cyclists were not thought to cause an impact on the amenity of local residents. The Inspector attached several conditions to control and minimise the effects of the proposals eg surfacing details of the path, signage to warn of horses ahead, cycle parking and wildlife site compensation amongst other conditions.

3.8 The Inspector refused an appeal for 2 holiday lets at Black House Farm which supported the highway authority's objection to the proposals (Appendix 4). In refusing the application, the Committee were also concerned about potential highway safety impacts arising from increased vehicle movements from the proposal. The Inspector agreed that the narrow width of the access road and limited visibility onto Crowland Road would lead to an unacceptable intensification of the access which would be unsafe.

4 IMPLICATIONS

4.1 **Legal Implications** – There are no legal implications relating to this report on performance, although the planning/appeal processes themselves must have due regard to legal considerations and requirements.

4.2 **Financial Implications** – This report itself does not have any financial implications.

4.3 **Human Rights Act** – This report itself has no human rights implications but the planning/appeals processes have due regard to human rights issues.

4.4 **Equality & Diversity** – This report itself has no Equality and Diversity Implications, although the planning/appeals processes have due regard to such considerations.

5. APPENDICES

1. Table of appeal decisions made July to September 2022 (inclusive)

2. Percentage of appeals allowed compared to total decisions issued October 2020 – September 2022 (inclusive)

3. Appeal decision pursuant to 20/01026/FUL.

4. Appeal decision pursuant to 20/01678/FUL.

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Appendix 1 – Appeals Performance from 01.07.22 – 30.09.22

Application reference	Address	Proposal	Officer Recommendation	Committee Decision / Date	Reasons for Refusal	Appeal Procedure	Appeal Decision / Date	Costs Decision	Inspector's Reasons
20/01026/FUL	Land South Of Lovers Lane Sutton To Nene Valley Railway Station At Stibbington Peterborough	Construction of dual use cycle/pedestrian path and associated earthworks from Sutton village across the meadows to the Nene Valley Railway station at Stibbington, including cattle grids, a new 3m wide timber cycle/footbridge over field drain and new flight of steps with wheeling channel to the footbridge across the River Nene	Approval, overturned by Committee	Committee 20.07.21	The proposed cycleway/footway, by virtue of the increase in the number of cyclists travelling through the village, which is characterised by blind corners with limited visibility and lack of footpaths, would impact on the amenity of the residents of Sutton. The proposal is therefore contrary to policy LP17 of the Adopted Peterborough Local Plan (2019).	Written Representation	Allowed 21.07.22	n/a	- The Inspector placed weight on the safeguarding of the route in the Local Plan and found that the proposals would not affect the character or appearance of the area or cause significant issues of visitors, vehicles or parking the village. He noted that it is not unusual for a village to have a layout with tight bends. The behaviour and speed of cyclists were not thought to cause an impact on the amenity of local residents. The Inspector attached several conditions to control and minimise the effects of the proposals eg surfacing detail, flood risk assessment, ecological impact assessment, compensation for impact on wildlife site, lighting, arboricultural method statement construction method statement, visibility splays, signage to warn footpath users of horse riders, cattle grids, cycle parking together with details of wheel channel, bridge and ramp construction.
20/01678/FUL	Black House Farm Crowland Road Eye PE6 7TP	Conversion of agricultural buildings to 2 no. holiday lets	Approval, overturned by Committee	Committee 06.07.2021	The proposal would result in the intensification of an existing access to serve the proposed holiday lets, which is substandard both in its width and visibility, to the detriment of highway safety which is unacceptable. Accordingly, the proposal is contrary to Policy LP13 of the Peterborough Local Plan (2019).	Written representations	Dismissed 26.07.2022	n/a	- Due to the limited width of the access track, there is a likelihood that vehicles entering the track would need to reverse out onto Crowland Road to enable another vehicle to pass. Alternatively, they may be impeded from making a safe manoeuvre into the track were this to coincide with a vehicle about to exit. - The prospect of vehicles reversing out into Crowland Road or having to stop in Crowland Road to enable other vehicles to exit would be particularly unsafe. - The appellant does not have the necessary control over other boundary vegetation to enable sufficiently safe visibility to be achieved in both directions and thus a condition to secure the required visibility would be unlikely to pass the necessary

									tests. Accordingly, the proposed intensification of this access point with particularly limited visibility in both directions onto Crowland Road would have an unacceptable impact on highway safety.
21/01792/HHFUL	9 Grange Road West Town Peterborough PE3 9DR	Demolition of detached garage and erection of two storey side extension and single storey rear extension	Refusal	Committee 25.03.2022	The proposed two storey side extension, by virtue of its siting, size and scale, would result in an unacceptably harmful impact to the amenities of neighbouring occupants at 7 Grange Road. The proposal would introduce a blank two storey flank wall sited on the side boundary of the site. It would face a primary habitable ground floor window serving the neighbouring dwelling at a distance of only 3m. This would result in an unacceptable loss of natural daylight to and overbearing impact upon this primary habitable room to the harm of the amenities of neighbouring occupants. The proposal is therefore contrary to Policy LP17 of the Peterborough Local Plan (2019).	Householder appeals service	Allowed 17.08.2022	n/a	<ul style="list-style-type: none"> - The room impacted could be either a kitchen or a kitchen diner. The dwelling has substantial sized rear living room, front lounge and conservatory, which could all be used for dining purpose. - The particular use of individual rooms in a dwelling is a private matter but in this instance the choice to use the room as a kitchen/diner must be balanced against the interests of the adjacent occupier who wishes to extend their property in a similar way to others in the vicinity. With the range of other rooms available for habitable room purposes on the ground floor of No 7 it would not be reasonable for the loss of daylight in and outlook from the kitchen/diner to prevail in this case. - For these reasons the proposal would not unduly affect the living conditions of the occupiers of No 7 Grange Road in relation to outlook and light. The proposal would not conflict with Policy LP17 of the Peterborough Local Plan 2019 which precludes development resulting in an unacceptable impact on the amenity of existing occupiers by loss of light or overbearing impact.
20/00475/HEDG	Land East Of 28 Hodney Road Eye Peterborough PE6 7YJ	Remove hedge to establish new boundary to land	Refusal	13.05.20	The hedgerow is recorded as an integral part of a field system pre-dating the Enclosures Acts.	Hearing	Appeal withdrawn 04.07.22	n/a	<ul style="list-style-type: none"> - The Inspector considers that there is no legal basis for appeal as the hedge had been destroyed.
21/00791/HHFUL	27 Maffit Road Ailsworth Peterborough PE5 7AG	Proposed two storey rear extensions and garage extension to the front	Refused	11.02.22	Overbearing and overshadowing effect on neighbouring dwelling; overlooking of the neighbour's garden; impact on the Conservation Area; loss of light; and design of the porch does not harmonise with the host dwelling.	Written Representation	Dismissed 25.08.22	n/a	<ul style="list-style-type: none"> - The Inspector agreed that the porch extension would not respect the details of the host dwelling nor the character of the Conservation Area. - The Inspector agreed that the proposal would be harmful to the living conditions of the host dwelling in respect of light and

									would impact on the privacy of the neighbouring property.
21/00868/PRIOR	Verge on Goodwin Walk adjacent with Davids Lane, Werrington Peterborough PE4 5AZ	20m Monopole C/W wraparound cabinet at base and associated ancillary works	Refusal	02.08.2021	1- The proposal, by virtue of its siting, height and resultant visual appearance would adversely impact on the character and appearance of Goodwin Walk. 2- The proposal, by virtue of its siting on the grass verge within 2m of the adjacent to the public highway, would likely lead to highway safety dangers due to its close proximity to it.	Written representation	Dismissed 17.08.2022	n/a	<p>- The monopole would be much taller than other vertical infrastructure in the area and the antenna at the top of the tower would have a bulbous appearance and would sit above the tallest adjacent treetops. In combination with the existing street furniture the monopole and associated infrastructure would have a cluttered appearance which would significantly detract from the prevailing spacious and verdant character of Goodwin Walk and the wider street scene. This impact would be most evident to passers-by close to the junction as well in more distant views from the north along Hodgson Avenue.</p> <p>- there is the potential that works to install this associated equipment could impact on tree roots in the vicinity. Without any detailed evidence to demonstrate otherwise, I cannot be certain that the proposals would not impact on the health of nearby trees and this has the potential to add to the harm to the character and appearance of the area already identified.</p> <p>- no risk of collision and would maintain sightlines for drivers and would not impede the footway. Therefore, satisfied that there would be no unacceptable impacts on highway safety resulting from the proposal.</p> <p>- the offer to reduce the height of the monopole casts considerable doubt over whether the proposal is the only option available to meet the cell coverage requirements and associated public benefits. Therefore, I am not persuaded that the harm identified under the main issue would be justified.</p> <p>- concludes that the proposal would have a significant harmful effect on the character and appearance of the area and in that regard its siting and appearance would be unacceptable.</p> <p>- From a siting and appearance perspective, the proposals would also conflict with the design, context, character and tree preservation requirements of Policies LP16 (Design and the Public Realm) and LP29 (Trees and Woodland) of the Peterborough Local Plan (2019)</p>

21/01687/CLE	1302 Lincoln Road Peterborough PE4 6LN	Construction of two storey, two bedroom house with vehicle access (previously approved under 14/01368/FUL)	Refusal	17.01.22	<ul style="list-style-type: none"> - Applicant dug a partial foundation on or around 31 October 2017, a date prior to the expiry of planning permission linked with 14/01368/FUL, condition 1. On balance it is not considered that it can be disputed that a trench was dug, however, no evidence was provided as to the location of the trench. The applicant's own admission on site is that the trench was then filled in 2 weeks later. - The applicant did not show 'on the balance of probabilities' that any trench dug was in the position of the planning permission such that it could be considered as associated with the construction of the permitted dwelling. - The works failed to meet the test for the commencement of development, as a matter of fact. 	Written Representations	Dismissed 08.09.22	n/a	<ul style="list-style-type: none"> - Appellant states works were commenced on site with the excavation of footing, which were inspected by an approved inspector for Building Regulations purposes & that all pre-commencement conditions had been satisfied. A letter from the Building Inspector confirms the inspection of foundation trench and states works were considered commenced according to Building Regs 2010. - Despite the above letter, supporting evidence is very limited. -Appellants evidence is imprecise and ambiguous. -It does not show on the balance of probabilities that the construction of a two storey, two-bedroom house had begun within three years of the permission granted.
21/01947/FUL	174 Lincoln Road Peterborough PE1 2NW	Replacement roller shutter - retrospective	Refusal	01.02.22	<ul style="list-style-type: none"> -Policy LP18 states that planning permission is only granted for external security shutters where there is persistent crime and/or vandalism. No evidence has been provided to demonstrate crime or vandalism near No. 174 Lincoln Road, nor evidence from the CPDT (Cams) Designing out Crime Officer. -External security shutters do negatively impact upon the visual character/ appearance of sites and surrounding areas and as a result are only permissible where the crime risk outweighs the visual harm. -This is not the case here, therefore the retrospective external security shutters are contrary to Policies LP16 and LP18 of the Peterborough Local Plan (2019) and the Peterborough Shop Front Design Guidance SPD (2014). 	Written Representations	Allowed 20.07.22	n/a	<ul style="list-style-type: none"> -The Inspector acknowledges that vandalism/shop theft is usually random, and that the appellants wishes to protect the premises. - The proposal is to replace the existing unauthorised visually intrusive shutters with open lattice style grilles, offering good visibility of the shop window. This would ensure a relatively attractive shop front and represents a reasonable compromise. - For these reasons, the character and appearance of the area is justified to improve the security of the premises. Whilst the proposal conflicts to some extent with PLP Policy LP18 and the Shop Front SPD the material consideration of crime rates in the area is sufficient to justify permission in this case. - The Council suggested three conditions, and these meet the relevant tests. In addition to the standard implementation time limit it is necessary to define the approved plans and the type and colour of shutters

									to ensure their satisfactory appearance when in use, with permission being granted.
22/00106/ADV	2 Alma Road Millfield Peterborough PE1 3AW	Internally illuminated static digital display screen	Refusal	19.04.2022	The proposed digital display, by virtue of its large size, siting and changing image display would have an unacceptably adverse impact upon the visual amenity and appearance of the site and surrounding streetscene. When combined with the signs on the nearby commercial units, it would lead to a proliferation of signage and visual clutter on the road frontage to the detriment of the amenity of the area and resulting in degradation of the streetscene. This proposal is therefore contrary to Policy LP16 of the Peterborough Local Plan (2019), and paragraph 136 of the NPPF.	Written Representations	Dismissed	n/a	<p>- Inspector acknowledges the number and variety of existing internally illuminated advertisements and street furniture in area however notes the proposal would represent a significant new departure and that the display would be unduly large for its setting.</p> <p>- The proposal would be highly prominent at first floor level on a building uniquely exposed to traffic approaching from the north, and even though the existing fascia signs would be removed, the regularly changing digital display would, even in this commercial location, appear unduly prominent and intrusive in the streetscene.</p> <p>- For the above reasons the Inspector deemed that the proposal would cause significant harm to the amenity of the area, that it would also conflict with Policy LP16 of the Local Plan which requires respect for the context of the site and paragraph 136 of the NPPF which opposes poorly sited advertisements.</p>

Appendix 2 – Appeals Quarterly Monitoring from October 2020 to September 2022 (inclusive)

		Oct - Dec 2020	Jan - Mar 2021	Apr - Jun 2021	Jul - Sep 2021	Oct - Dec 2021	Jan – Mar 2022	Apr – Jun 2022	Jul - Sep 2022	Period TOTAL
M A J O R	Total decisions	14	11	13	9	15	17	5	13	97
	Allowed appeals	0	0	0	0	0	0	0	0	0
	Percentage	0 %	0 %	0 %	0 %	0 %	0 %	0 %	0 %	0.00 %

N O N - M A J O R	Total decisions	198	231	229	231	256	215	208	246	1,814
	Allowed appeals	2	1	1	1	3	2	1	3	14
	Percentage	1.01 %	0.43 %	0.44 %	0.43 %	1.17 %	0.93 %	0.48 %	1.22 %	0.77 %

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Appeal Decision

Site visit made on 30 May 2022

by **L Wilson BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 21st July 2022

Appeal Ref: APP/J0540/W/21/3287810

Land South of Lovers Lane Sutton to Nene Valley Railway Station at Stibbington, Peterborough

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Andrew Nash against the decision of Peterborough City Council.
 - The application Ref 20/01026/FUL, dated 23 July 2020, was refused by notice dated 20 July 2021.
 - The development was originally described as the project proposes the construction of a dual-use cycle/pedestrian path from Sutton village across the meadows to the Nene Valley Railway Station at Stibbington. This would be approx. 900m in length. The constructed path would form part of a longer cycle route, mainly on public roads from Ailsworth to the NVR station.
-

Decision

1. The appeal is allowed and planning permission is granted for the construction of a dual use cycle/pedestrian path and associated earthworks from Sutton village across the meadows to the Nene Valley Railway station at Stibbington, including cattle grids, a new 3m wide timber cycle/footbridge over field drain and new flight of steps with wheeling channel to the footbridge across the River Nene at Land South of Lovers Lane Sutton to Nene Valley Railway Station at Stibbington, Peterborough in accordance with the terms of the application 20/01026/FUL, dated 23 July 2020, subject to the attached schedule of conditions.

Preliminary Matters

2. The site address in the heading above has been taken from the Council's decision notice and the appeal form as it is more precise than that given on the application form. In addition, the development for which planning permission is sought was originally described on the application form as "the project proposes the construction of a dual-use cycle/pedestrian path from Sutton village across the meadows to the Nene Valley Railway Station at Stibbington. This would be approx. 900m in length. The constructed path would form part of a longer cycle route, mainly on public roads from Ailsworth to the NVR station". However, in the formal decision, I have used the description given on the decision notice as it is a more precise and accurate reflection of the development for which permission is sought.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the surrounding area and the living conditions of the residents of Sutton.

Reasons

4. The proposed path would primarily follow the former Wansford to Stamford railway line which has been safeguarded for walking and cycling infrastructure under local planning policy. The proposal would provide a route from Sutton to Wansford Station on the Nene Valley Railway (NVR).
5. Sutton is a small village characterised by attractive properties and its tranquil nature. The dead-end layout of the village results in no through traffic passing through the village. Having said that, the village historically had greater connectivity to other areas. There are blind corners with limited visibility and a lack of footpaths within Sutton, nevertheless these are not unusual characteristics of a small village.
6. There is an existing path across the field to the NVR which I observed on my site visit was used by walkers. Although the proposed path starts at Lovers Lane, the purpose of the route is to link with the wider footpath and cycle infrastructure within Peterborough. It is likely that the scheme would increase the number of visitors travelling through Sutton as the proposed development would provide better access for cyclists and pedestrians to the NVR. However, there is no substantive evidence before me to demonstrate that the proposal would substantially increase the number of people travelling through Sutton or that the route would be widely used by commuters. Therefore, it is unlikely that the scheme would result in a significant increase in visitors, vehicles and parking within the village.
7. Concerns have been raised regarding the speed and noise of cyclists as well as the loss of privacy and users of the path could include powered cycles and e-scooters. The route would be adjacent to gardens and dwellings within Sutton. Nonetheless, I am not convinced that the proposed development would have an unacceptable impact on residents' use and enjoyment of their private gardens or any significant loss of privacy. This is because it is unlikely that there would be a significant increase in noise, disturbance or visitors, including cyclists. The majority of cyclists would ride considerately and respectfully which would be at a speed appropriate to the highway. In addition, the surfacing along Lovers Lane and steps would make this a less desirable route for club road cyclists. A planning condition could also be attached to ensure appropriate signage is implemented to warn cyclists, and other users, that horses are likely to be in the road ahead.
8. The proposed path would connect with Lovers Lane which is a verdant, rural lane. This leads on to Sutton Meadow which is a large flat expanse of grassland generally used for grazing. The path, and associated cattle grid, timber fencing and earthworks, would undoubtedly alter the character and appearance of the area. However, these features are not unusual in rural areas. I understand that the scheme initially proposed a tarmac surface. Nonetheless, the appellant has agreed to use gravel chippings to be rolled into the surface.

9. Details of the surface finish can be secured by a planning condition to ensure that the proposed surfacing would not be incongruous to the surrounding landscape. I am satisfied that the other elements of the scheme, including cattle grids, timber fencing and earthworks would not be incongruous in the landscape and would not cause significant harm to the character and appearance of the surrounding landscape, including the entrance to the village from the south.
10. The northern end of the scheme would be adjacent to the Sutton Conservation Area (CA) and close to listed buildings. In addition, the NVR bridge is Grade II listed and the former railway line is a non-designated heritage asset. The reasons for refusal do not refer to the CA, listed buildings or non-designated heritage assets. However, the Council assert, in their statement, that the proposal would result in adverse harm to nearby heritage assets. There is no substantive evidence which indicates that an alternative conclusion and different view to the planning officer, set out in the committee report, and the conservation officer is justified.
11. I am satisfied that the scheme would preserve the character and appearance of the CA, would not harm the setting of the listed buildings, would preserve the special interest of the listed buildings and would not cause harm to the non-designated heritage asset. This is because the proposal is considered to be of benefit to the heritage assets and non-designated heritage assets, nature of the scheme, historic use of the appeal site and distance to some of the listed buildings.
12. It has been drawn to my attention that there are alternative routes and Highways England intend to dual a section of the A47 from Wansford to Sutton. This would include a route for walkers, cyclists and horse riders. There is limited information before me regarding the stage of that scheme. Nonetheless, the proposed path would take an alternative route with a different character. Even if that scheme was implemented, I do not consider that there would be an over dominance of cyclists using the village. Furthermore, the existing route from Ailsworth to Wansford, which runs through Sutton, can be unsuitable, for particularly cyclists, due to the terrain. The other routes highlighted do not make the proposed route unacceptable.
13. For the reasons given above, the proposed development would not have an unacceptable effect on the character and appearance of the surrounding area and the living conditions of the residents of Sutton. Therefore, it would comply with Policies LP16, LP17 and LP19 of the Peterborough Local Plan 2016 to 2036 (2019). These seek, amongst other matters, to ensure proposals positively contribute to the character and local distinctiveness of the area in which it would be situated, particularly in areas of high heritage value. In addition, new development should not result in an unacceptable impact on the amenity of existing occupiers of any nearby properties.

Other Matters

14. In addition to matters relating to the main issues, I have considered in detail the objections from residents, the Parish Council and the British Horse Society. The concerns relate to arrange of matters including alternative routes, highway safety, flood risk (including the sequential assessment), accessibility, Nene Park Trust Master Plan, replacement steps, horses/ equestrian users. As well as wildlife and biodiversity implications (including endangered or rare species

- living within the boundary such as Polecats), cattle grids, Arboriculture, archaeology, determination process/ public consultation, disruption during construction, finance, crime, anti-social behaviour and litter.
15. The Council did not refuse the planning application on these grounds. Furthermore, the Local Highways Authority, Environment Agency, Natural England, Wildlife Trust as well as the Drainage, Archaeology and tree officers did not object to the scheme.
 16. The alternative routes are noted but these are not for consideration under this planning proposal. I am satisfied that the scheme would not unduly impact on the highway network. In relation to flood risk, the land is allocated within the Local Plan for walking and cycling infrastructure. In addition, as highlighted above, the A47 would provide a different route and does not provide a reasonable alternative route. An updated flood risk assessment (FRA) was produced in 2019. The Environment Agency consultation response was based on that FRA, and they were satisfied that it was acceptable, subject to a planning condition. On the basis of the information presented, the proposal complies with local and national planning policy, is categorised as a water-compatible development¹, would not increase the risk of flooding elsewhere and the site can be appropriately drained.
 17. There are no changes to the accessibility of the bridge other than replacement steps and a wheeling tunnel which will be an improvement on the existing situation. The lack of access for equestrian users and matters relating to funding do not make the proposal unacceptable. On a different matter relating to the impact on horse riders, horse riding and cycling already co-exist locally and all over the country. In addition, the proposal would not unduly impact on the manège facility. The proposal would avoid any adverse impact on the biodiversity within the site, including protected species and biodiversity enhancements would be provided. Cattle grids are widely used, and I cannot see why they would be of any more danger in this location than elsewhere.
 18. Furthermore, appropriate methods would be implemented to protect the existing trees surrounding the site. The construction of the proposal would give rise to disruption, but some effects can be mitigated by way of conditions and the works would be time limited. There is no robust justification to demonstrate that the proposal would result in an increase in anti-social behaviour and would result in an unsafe area or increase opportunities for crime and fear of crime or increase litter.
 19. Consequently, subject to appropriate conditions, there is no credible evidence before me that would lead me to an alternative conclusion to the Council on the other matters raised or that could justify the dismissal of the appeal on these grounds.

Conditions

20. I have assessed the Council's suggested conditions in light of guidance found in the Planning Practice Guidance and where necessary the wording has been amended for clarity and precision. The appellant and Council were given the opportunity to comment on the altered wording of these conditions and an additional condition.

¹ Annex 3 of the Framework

21. It is necessary to attach a condition specifying the approved plans as this provides certainty. To ensure that the development does not result in increased flood risk, a condition relating to the Flood Risk Assessment is necessary. In order to ensure that the development does not have an adverse ecological impact, a condition relating to the Ecological Impact Assessment is necessary. Given the date of the report and the 3 years time limit condition, it is necessary to ensure that the survey is fit for purpose and updated if the development has not taken place by December 2022.
22. A condition ensuring appropriate compensation for the impact of the proposed development on the Sutton Meadows South Country Wildlife Site is also necessary. There is no compelling evidence before me to demonstrate that there is not a realistic prospect of this being implemented and the use of a Grampian condition is acceptable in this case. A condition preventing lighting is also necessary in the interests of amenity and to maintain and enhance biodiversity. In order to protect retained trees and hedges, a condition requiring an Arboricultural Method Statement is necessary. However, in this instance, an Arboricultural Impact Assessment would not be appropriate as it is not necessary to make the development acceptable in planning terms.
23. Details of the surfacing of the path is necessary in the interest of visual amenity. To minimise and mitigate the impact on Lovers Lane and in the interest of safeguarding living conditions of nearby residents and equine users, a condition requiring a construction method statement is necessary. In the interest of highway safety, a condition relating to the visibility splays at the junction connection with Lovers Lane is necessary. There is no robust evidence before me to demonstrate that there is not a realistic prospect of this being implemented and a Grampian condition is acceptable in this case. A condition relating to the cattle grids is necessary in the interests of safety and biodiversity. In order to ensure that suitable cycle parking is provided, a condition relating to the cycle stands is necessary.
24. I have also attached a condition relating to the wheeling channel to ensure that it is of an appropriate design. In the interests of highway safety, a condition relating to signage to alert all users that horses are likely to be in the road ahead is necessary. A condition relating to the timber bridge and details of the ramp construction, is also necessary in the interests of flood risk and water management. On the basis of the information presented, I do not consider the suggested condition relating to fencing to be necessary or reasonable in the interests of highway safety.

Conclusion

25. I realise that this decision will come as a disappointment to those who objected against the proposed development. However, taking everything into account, there is no compelling reason to withhold planning permission in this case. The appeal therefore succeeds.

L M Wilson

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Planning Red Line Drawing (11965-PAPP-PCW-01 Rev B), Proposed route between Sutton and Wansford Station sheet 1 of 5 (11965-DWG-PCWFC-01 Rev C), Proposed route between Sutton and Wansford Station sheet 2 of 5 (11965-DWG-PCWFC-02 Rev B), Proposed route between Sutton and Wansford Station sheet 3 of 5 (11965-DWG-PCWFC-03 Rev B), Proposed route between Sutton and Wansford Station sheet 4 of 5 (11965-DWG-PCWFC-04 Rev B), Proposed route between Sutton and Wansford Station sheet 5 of 5 (11965-DWG-PCWFC-05 Rev B), Typical Details (11965-DWG-PCW-FC-06 Rev C), Proposed route from Green Wheel to Wansford NVR station (dated 10/01/2020) and Proposed cycle / pedestrian route through Sutton (dated Feb 2019).
- 3) The development shall be carried out in accordance with the submitted Flood Risk Assessment (produced by Sustrans, dated October 2019) and the mitigation measures detailed in the floodplain storage section (paragraphs 2.3.1-2.3.2). The floodplain storage mitigation measures shall be carried out before any part of the development is brought into use and shall be retained thereafter.
- 4) The development hereby approved shall be carried out in accordance with the recommendations set out in the Ecological Impact Assessment: Peterborough Cycleway Wansford Station to Sutton (produced by Greenwillows Associates Ltd, dated December 2020). If development has not commenced by December 2022 an updated Ecological Impact Assessment, based on the same methodology, shall be submitted to and approved in writing by the local planning authority. All ecological measures and/or works shall then proceed in accordance with the approved measures.
- 5) No development shall take place until the following measures as described in the 'Proposed compensatory work on Sutton Meadows South CWS' have been completed:
 - A survey of the CWS and fields immediately adjacent to it to be made at the appropriate time of year, to identify an area of poorer grassland where compensatory measures would be most effective. This area shall be at least 0.8ha.
 - This area shall then be harrowed and spread with locally sourced green hay from a nearby local provenance species-rich site.

The area shall be monitored annually for a period of at least 3 years, to record its continuing botanical diversity as part of the conservation aims of the CWS.

The applicant shall submit a single annual monitoring report to the local planning authority for written approval for the first three years following the commencement of development.

If, after evaluating the submitted monitoring results, the local planning authority considers remedial measures are necessary, it will serve notice on the applicant requiring a scheme of remedial measures. The remedial measures

- shall be fairly and reasonably related in scale and kind to the development hereby approved. Within one month of receiving such written notice, the applicant shall submit such a scheme of remedial measures (including a timeframe for implementation) and the approved remedial measures shall be implemented in accordance with the approved scheme and programme.
- 6) No lighting shall be installed in relation to the development hereby permitted.
 - 7) No site clearance, preparatory work or development shall take place until an Arboricultural Method Statement in accordance with British Standard BS 5837: Trees in relation to design, demolition and construction - Recommendations (or in an equivalent British Standard if replaced) shall have been submitted to and approved in writing by the local planning authority. The scheme for the protection of the retained trees shall be carried out as approved.
 - 8) Prior to the laying of the surfacing of the path hereby approved, the details of the surface finish shall be submitted to and approved in writing by the local planning authority. The path shall be implemented in accordance with the approved details.
 - 9) No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. The Statement shall include details related to: (i) the parking of vehicles of site operatives and visitors, (ii) loading and unloading of plant and materials, (iii) storage of plant and materials used in constructing the development, (iv) a scheme for recycling/disposing of waste resulting from construction works, and (v) delivery and construction working hours. The approved Construction Method Statement shall be adhered to throughout the construction period for the development.
 - 10) No development shall take place until details of the tie in of the path hereby approved to the adopted highway have been submitted to and approved in writing by the local planning authority. The details shall include visibility splays at the junction connection with Lovers Lane. The works shall be carried out in accordance with the approved details before any part of the development is brought into use and shall be retained thereafter.
 - 11) Details of the cattle grids shall be submitted to and approved in writing by the local planning authority. The cattle grids shall incorporate features which allow a small animal to escape from under the grid in the event it has fallen down between the bars. The cattle grids shall be carried out in accordance with the approved details before any part of the development is brought into use and shall be retained thereafter.
 - 12) Details of the cycle wheeling channel shall be submitted to and approved in writing by the local planning authority. The cycle wheeling channel shall be constructed in accordance with the approved details before any part of the development is brought into use and shall be retained thereafter.
 - 13) The Sheffield cycle stands, shown on approved drawing 'Proposed route between Sutton and Wansford Station sheet 5 of 5 (11965-DWG-PCWFC-05 Rev B)', shall be provided prior to the path hereby approved being brought into use. The stands shall be placed no less than 1 metre apart and shall be retained in perpetuity.

- 14) Details of signage to warn users of the path that horses are likely to be in the road ahead shall be submitted to and approved in writing by the local planning authority. The signage shall be installed in accordance with the approved details before any part of the development is brought into use and shall be retained thereafter.
- 15) Details relating to the maintenance of the timber bridge and the ramp, shown on approved drawing 'Proposed route between Sutton and Wansford Station typical details' (11965-DWG-PCWFC-06 Rev C)', shall be submitted to and approved in writing by the local planning authority. The scheme shall be carried out in accordance with the approved details before any part of the development is brought into use.



Appeal Decision

Site visit made on 8 July 2022

by David Spencer BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 26 July 2022

Appeal Ref: APP/J0540/W/22/3291975

Black House Farm, Crowland Road, Eye, Peterborough PE6 7TP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Heather Phillips against the decision of Peterborough City Council.
 - The application Ref 20/01678/FUL, dated 24 November 2020, was refused by notice dated 13 July 2021.
 - The development proposed is conversion of agricultural buildings to 2 no. holiday lets.
-

Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Heather Phillips against Peterborough City Council. This application is the subject of a separate Decision.

Main Issue

3. The main issue in this appeal is the effect of the proposed access arrangement for highway safety on Crowland Road with reference to visibility at the junction of the private access track with the public highway and the capacity of the access track to safely accommodate increased vehicular traffic.

Reasons

4. The appeal site is served by a private, unmade access track which extends over some distance from the public highway at Crowland Road to a gateway entrance serving the appeal site. At the entrance to the appeal site there is also a turning into a gateway for Lakeside Manor Farm and at this point there is sufficient width for two vehicles to safely pass. There appears to be a small, informal passing place approximately half-way along the track, but it is not particularly well-made or obvious to anyone unfamiliar with using the track. Elsewhere the private access track is of variable width but generally only sufficient for one vehicle due to boundary planting largely inhibiting the ability to safely manoeuvre off the track to allow another vehicle to pass. This includes that part of track closest to Crowland Road where the width of track is further constrained by wooden gates set back from Crowland Road and a utility pole. Accordingly, and having driven the length of the access track, I find that the principal safe point for two vehicles to pass would be the end turning point some distance from Crowland Road.

5. The access track is shared such that the appellant has no control over the total number or frequency of vehicle movements. Additionally, given the rural location of the appeal site and, notwithstanding the refurbished footway along Crowland Road, the distance on foot to reach facilities in Eye, the appeal proposal would generate an appreciable number of vehicle movements with the regular comings and goings of holidaymakers. I accept the access track is straight such that vehicles entering into it would see another vehicle moving towards the exit. However, because of the limited width of the track there is a likelihood that vehicles entering the access track would need to reverse out onto Crowland Road to enable another vehicle to pass. Alternatively, they may be impeded from making a safe manoeuvre into the trackway were this to coincide with a vehicle about to exit.
6. Crowland Road at the appeal location comprises a long, straight stretch of single carriageway road of a good width and standard¹. Whilst my site visit can only represent a snapshot, I nonetheless observed that it is a well-used road carrying an appreciable volume of traffic from the A16 to the north and from Eye and the A47 to the south. When approaching from the south, this straight section is shortly after the 30mph speed limit through Eye Green. Conversely, from the north, the entrance turn is shortly before the speed limit and a gently curving left-hand bend. Crowland Road at the appeal location is at the national speed limit. Consequently, because of these conditions it is a markedly fast road, as vehicles accelerate out of the Eye Green speed limit or utilise the end of the long straight section before the speed limit. In these conditions I find the prospect of vehicles reversing out into Crowland Road or having to stop in Crowland Road to enable other vehicles to exit to be particularly unsafe.
7. Visibility on exiting the access track is severely limited in both directions due to boundary vegetation. Given the national speed limit on Crowland Road a particularly good standard of visibility would be required, especially when making the more likely right hand turn manoeuvre towards Eye and Peterborough. The appellant asserts that vegetation can be cut back including verges under the responsibility of the highway authority. From my assessment on site, even if the verges were closely cut, other hedging and tree vegetation would still restrict visibility forcing vehicles to edge out into the fast-moving Crowland Road to gain sufficient visibility. The evidence before me is that the appellant does not have the necessary control over other boundary vegetation to enable sufficiently safe visibility to be achieved in both directions. As such, imposing a condition to secure the required visibility would be unlikely to pass the necessary tests. Accordingly, I find the proposed intensification of this access point with particularly limited visibility in both directions onto Crowland Road would have an unacceptable impact on highway safety.
8. The appellant has referred me to the nearby access for 'Fenvale', a short distance to the south, which serves a development approved in 2016. I observed that this access point is on the outer edge of the sweeping curve in Crowland Road which affords a different visibility. I also found the entrance to 'Fenvale' to be slightly wider further limiting direct comparison to the circumstances at the appeal site. I also noted that the 'Fenvale' access is closer to the start of the 30mph speed limit and street lighting for Eye Green such that, in combination with the curved alignment of Crowland Road at this point, traffic behaviour would be notably different, including speed, compared

¹ The officer report describes it as a 'B-road' classification.

to the appeal location. Accordingly, I do not find the circumstances at 'Fenvale' to be directly comparable to the appeal location or provide a basis on which to lessen my concerns regarding highway safety for the appeal proposal.

9. I therefore conclude that the proposed access arrangement would have an unacceptable impact on highway safety on Crowland Road. As such the proposal would be contrary to Policy LP13 of the Peterborough Local Plan (2019), which, amongst other things, stipulates that development with transport implications will only be permitted where it can provide safe access to the site for all users. The proposal would also conflict with the National Planning Policy Framework at paragraph 111 which states that development with an unacceptable impact on highway safety should be refused.

Other matters

10. The officer recommendation to the Planning and Environmental Protection Committee was one of approval. However, the Council is not bound to accept the recommendations of its officers provided it produces clear and specific reasons for refusal. I deal with this further in the separate costs decision, but I have given appreciable weight in this decision to the fact that the Local Highways Authority has consistently objected to the proposal on highway safety grounds.
11. I note that there is support within the Peterborough Local Plan for the principle of tourist accommodation through the reuse of redundant rural buildings and that the appeal proposal would provide income to support the appellant and her family. I have also read the representation of support from the neighbouring occupiers of 'Fenvale'. However, these factors in support of the appeal proposal do not outweigh the harm arising from the adverse impact on highway safety and the associated conflict with the relevant development plan policy.

Conclusion

12. For the above reasons and having regard to all other matters raised, I conclude that the appeal should be dismissed.

David Spencer

Inspector.

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